

**From:** Bressler, Lindsey  
**Sent:** Tue 8/25/2015 1:57:25 PM  
**Subject:** RE: CO Mine Spill Clips - 8/25

**Associated Press (via Chicago Tribune)**

<http://www.chicagotribune.com/news/nationworld/ct-navajo-mine-spill-20150824-story.html>

**Navajo farmers reject use of water after mine spill**

August 24, 2015, 10:40 PM

FLAGSTAFF -- One of the largest communities of Navajo farmers along the San Juan River has voted to keep irrigation canals closed for at least a year following a spill of toxic sludge at a Colorado gold mine.

The unanimous vote by more than 100 farmers in Shiprock, New Mexico, was heart-wrenching and guarantees the loss of many crops, Shiprock Chapter President Duane "Chili" Yazzie said Monday.

But he said farmers don't want to risk contaminating the soil for future generations.

"Our position is better safe than sorry," Yazzie said.

The U.S. Environmental Protection Agency and the Navajo Nation EPA have said the water is safe for irrigation, based on surface water testing. Other communities off the reservation have cleared the water for drinking, recreation and irrigation.

The Navajo Nation has been hesitant to lift restrictions on using the river water, mostly over concerns about contaminants being stirred up and washed down the river. The Navajo Nation

EPA expects to have test results from soil samples later this week.

Tribal President Russell Begaye has asked several farming and ranching communities impacted by the Aug. 5 spill from the Gold King mine near Silverton, Colorado, to weigh in by passing resolutions with an official position.

Shiprock is the only community that has submitted a resolution so far, tribal spokesman Mihio Manus said.

Begaye, who grew up in a small farmhouse in Shiprock, said he realizes the impact that keeping the water shut off will have on farmers.

"I am furious that the U.S. EPA has placed the Navajo Nation into this position," Begaye said in a news release. "Our farms will not last much longer without water, and our resources are depleting."

Manus said farmers can seek reimbursement for the costs of hauling water through their community centers, or chapters.

The EPA stopped providing agricultural water Friday on the Navajo Nation in an agreement with Begaye. EPA spokesman David Gray said Monday the EPA is evaluating other ways of delivering water to the tribe.

Farmers in Shiprock had rejected water tanks from an EPA contractor after tribal officials complained that one appeared to have oil residue. The EPA said over the weekend that it is looking into the complaint and would work with the tribe to remove 13 tanks from the reservation.

Gray said the EPA believes the irrigation ditch on the Navajo Nation is suitable for use and the agency will continue assessing the tribe's need for resources.

The EPA is providing hay to ranchers along the river, while the U.S. Bureau of Indian Affairs has set up water tanks for livestock, officials said.

"When the Navajo Nation President lifts the restriction, the Bureau of Indian Affairs (BIA) Navajo Regional Office will continue to provide water support for livestock for only one week after that decision is made. Then BIA will dismantle our current operations from the temporary water locations," the agency said in an email to The Associated Press.

A water treatment plant on the Utah portion of the reservation that drew water from the San Juan River also will remain offline until Begaye gives the OK for it to begin operating again, said Deenise Becenti with the Navajo Tribal Utility Authority.

Water is being hauled in to top off a tank so residents can continue to have running water in their homes, she said.

In Shiprock, a constant line of vehicles waits to fill huge containers with water. Yazzie said he spent the weekend watering about 500 of his own plants but estimates that other families have thousands that have been wilting.

"We're going to struggle to save what we can and what we lose, we'll expect somebody to provide compensation," Yazzie said.

Associated Press

### **Current Argus (NM)**

[http://www.currentargus.com/carlsbad-opinion/ci\\_28695752/lujan-cops-out-being-cleanup-policing-agent](http://www.currentargus.com/carlsbad-opinion/ci_28695752/lujan-cops-out-being-cleanup-policing-agent)

## **OPINION: Lujan cops out of being cleanup 'Policing Agent'**

By Harold Morgan

New Mexico Progress

POSTED: 08/24/2015 05:32:16 PM MDT

Twice in 42 seconds, KOB-TV offered Congressman Ben Ray Lujan the opportunity to grab the role of "policing agent" in the aftermath of the Environmental Protection Agency spilling toxic sludge into a tributary of the Animas River.

Twice Lujan copped out.

I just happened to the story when it see ran August 13 at 6 p.m. Chris Ramirez, the reporter, said there is an expectation in the area that Lujan not let the EPA off easily, probably because Lujan represents the area in Congress. One would think hassling the EPA would be his job. (Quotes here are from KOB's video, posted at KOB.com.)

"We ask Ben Ray Lujan how he plans to hold the EPA accountable," Ramirez said. The story was 3 minutes, 29 seconds long.

At 1 minute, 48 seconds, Ramirez asked Lujan, "Based on what you're hearing today, are you satisfied?"

Lujan replied, "We can always do better and there is always more that can be done. We are communicating" with congressional committees and federal organizations including the White House.

All process stuff here. Lujan has learned political doublespeak so well that he has adopted the royal "we."

A further 42 seconds into the report, Ramirez said to Lujan, "There a lot of people looking to you to make sure you are the policing agent on the EPA."

Lujan's non-response: "Well, there has to be full accountability with the EPA on this."

Others have stepped up. Susana Martinez, attorneys general from the three affected states, including our Hector Balderas, always ready with pithy remarks for television cameras.

The Navajo Nation plans to sue the EPA. In an August 9 Navajo Times story, the Navajo Nation President Russell Begaye "reiterated his plans to sue the EPA and revealed the Navajo Nation has been taking its own water and sediment samples, which will be sent to the Massachusetts Institute of Technology for analysis. 'We're not going to depend on EPA,' he said. 'We're going to get our own answers.'"

A lawsuit is process, too, but suits are specific, quite different from seeking oversight hearings.

The highlight of the KOB story came from EPA Administrator Gina McCarthy, who said, "The river is restoring itself." The hilarity is that McCarthy's statement is exactly the type of language earning environmentalists' contempt when coming from businesses.

Even better, McCarthy spoke the truth. The Animas and San Juan rivers reopened on August 15 and 16 for recreational, agricultural and municipal uses.

Not only were the EPA and its contractors stupid and inept, the EPA's response offers a classic crisis-communications failure. The crisis rule is talk early, often and truthfully. Incredibly the EPA said nothing for a day. McCarthy wandered by nine days after the spill.

For background on the difficulties of cleaning up abandoned mines, see the Property and Environment Research Center at [perc.org](http://perc.org).

The response from Sens. Martin Heinrich and Tom Udall was not much. Both have their DNA wrapped with environmental dogma. Heinrich announced plans for a bill to change the 1872-vintage federal mining act and got a nice photo op holding a hose filling a stock tank. Udall issued a release saying the spill "is of great concern to me."

I think "concern" is Udall's favorite word.

By contrast, Alaska Republican Sen. Lisa Murkowski has a 17-bill package to create a real national energy policy. She says we must "tackle notoriously slow federal permitting."

Lujan may be too busy to lead the response to the EPA. He chairs the Democratic Congressional Campaign Committee. Among its other work, the DCCC sends really stupid, highly exaggerated emails excoriating Republicans and seeking money. Writing the emails takes time.

### **Denver Post (CO)**

[http://www.denverpost.com/news/ci\\_28696659/epa-works-identify-mines-like-gold-king](http://www.denverpost.com/news/ci_28696659/epa-works-identify-mines-like-gold-king)

### **EPA works to identify mines like Gold King**

The EPA is searching for mines with similar risks as the Gold King

By Jesse Paul

POSTED: 08/25/2015 12:01:00 AM MDT

The Environmental Protection Agency says cleanup work on mines throughout the country remains on hold as its regional offices scurry to identify other sites at risk of blowing out like the Gold King Mine did this month.

David Gray, an EPA spokesman, said Monday the agency is specifically looking for mines with similarities to the Gold King, which spilled 3 million gallons of contaminants on Aug. 5 above Silverton.

He said the survey is being done "to identify any potential immediate threats and to consider appropriate response actions."

The EPA late Friday released 92 pages of documents showing the agency knew the Gold King Mine was at risk for blowout at least 14 months before the massive release. The spill sent yellow-orange sludge cascading into a tributary of the Animas River and prompted emergencies in three states and two American Indian tribes.

According to the EPA, it is undertaking an "extensive file review" to see if any — and potentially how many — Colorado mines have also been documented by the agency as being at risk for blowout. The EPA said Monday it did not have an exact count on the number of mines it is working at in Colorado and throughout the nation.

"We do not know of documentation showing blow-out risk at other mines in Colorado that can be shared with you immediately," the EPA said in a statement sent to The Denver Post.

A June 2014 task order for the Gold King documented blow-out risks and called the mine a "time critical" site.

"Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals," a task order said.

Experts say there is no way to know exactly how many other mines in Colorado are at risk for blowing out.

"(Blowouts are possible) when you've got mine workings that go up multiple levels," said Peter Butler, a coordinator for the Animas River Stakeholders Group. "You've got the ability to build up a lot more water pressure."

Butler said in Colorado there are "quite a few" such mines, but that they don't represent the majority of tunnels in the state. In the Upper Animas River Mining District where the Gold King sits, Butler says he knows of four blowouts in the last 20 years.

All of them happened naturally and were much smaller than the Gold King's massive release, he said.

"I think most of the mines that have a potential for blowout are not being worked on," he said. "They are just sitting there."

Ron Cohen, an associate professor of civil and environmental engineering at the Colorado School of Mines, said blockages holding back walls of wastewater are fragile and can burst with little effort.

"When you have these unstable blockages in these mine workings, you never know what's going to happen," he said. "You can be repairing a road in front of the mine portal and just those vibrations can set something off."

Cohen explained that while blowouts can happen both naturally and with human interaction, locally most happen from the latter. He pointed to the April 2009 Big Five Mine spill into Clear Creek after miners using shovels inadvertently released backed up contaminants.

The spill lasted six hours and, as in the case of the Gold King breach, turned water downstream orange.

"These places, they're collapsed," Cohen said of the difficult task ahead of the EPA in trying to identify mines that are at risk for blowing out. "There's absolutely no documentation of their workings. There is a lot of guesswork involved."

Hays Griswold, an EPA supervisor who was at the scene of the Gold King blowout Aug. 5, in an interview with The Post earlier this month said he was aware of another mine in the area whose owner expressed fears of a blowout.

That mine lacks multiple levels but has a long tunnel.

"It would be messy if it blew out," Steve Fearn, another coordinator with the Animas stakeholders group, said of the site. "It probably wouldn't be nearly as big as the Gold King, (but) it wouldn't be a good situation."

Fearn, who was president of the Gold King Mine Corp. — which owned the Gold King — in the late 1990s said while the possibility of major blowouts isn't an immediate crisis, the danger represents "a time-bomb situation."

"There are probably only a few mines that represent a significant risk," he said.

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Gold king mine

The Gold King was in and out of operation between 1887 and 1922, during which is shipped 711,144 tons of gold and silver ore, according to the EPA. It is currently held by the Golden-based San Juan Corp. and had a permit for operation until 2005.

**Denver Post (CO)**

[http://www.denverpost.com/news/ci\\_28695692/navajo-nation-not-lifting-san-juan-river-closure](http://www.denverpost.com/news/ci_28695692/navajo-nation-not-lifting-san-juan-river-closure)

**Navajo Nation not lifting San Juan River closure after EPA OK's water**

Tribe leaders say farmers are still weary of San Juan River's waters

By Jesse Paul

POSTED: 08/24/2015 05:25:40 PM

The tribe says it is waiting on testing from its internal environmental agency before reopening the river.

"I'm glad the (EPA) water samples indicate the water is safe for irrigation use, but I remain concerned over the soil and sediment that lines our (river's) bank," said tribe President Russell Begaye in a statement. "Every time a heavy storm hits or the soil is disturbed it can recontaminate the water."

The tribe, in a news release, said the majority of chapters impacted by the closure voted last week against reopening the San Juan out of fears its waters might contaminate their crops.

The EPA said Wednesday the river's levels had returned to what they were before the agency spilled 3 million gallons of mine contaminants Aug. 5 upstream in Colorado.

Navajo officials have chastised the EPA since the spill and tribal leaders say the aftermath of the release left their people on the brink of economic disaster since use of the San Juan for agricultural purposes was banned.

Many Navajo farmers said their crops died in the disaster's wake.

The contamination left the Navajo, already mistrustful of the federal government, angry at the EPA and seeking damages. The tribe's leaders have vowed to file suit against the agency.

While the river remains closed, the Navajo Nation says it will continue to work with the Bureau of Indian Affairs to provide water to residents for irrigation, livestock and drinking purposes.

### **Durango Herald (CO)**

<http://www.durangoherald.com/article/20150824/NEWS01/150829799&source=RSS>

### **Superfund issue may dominate Tuesday's Animas River Stakeholders Group meeting**

In spill's wake, Animas River group's meeting expected to be lively

By Chase Olivarius-Mcallister Herald staff writer Article Last Updated: Monday, August 24, 2015 10:51pm

The Tuesday meeting of the Animas River Stakeholders Group at 6:15 in Silverton Town Hall is expected to center around whether abandoned mines around the town should be placed in the federal Superfund program.

The Animas River Stakeholders Group – an un-elected volunteer group that for two decades has been at the center of the debate about how to address the pollution gushing out of Silverton’s defunct mines – is to meet Tuesday for the first time since Gold King Mine spewed 3 million gallons of sludge downstream on Aug. 5.

While most of the group’s meetings take place during the day, this meeting will begin at 6:15 p.m. at Silverton Town Hall, making it easier for members of the public to attend.

The meeting comes at a time when the question of whether the Environmental Protection Agency should list Silverton’s oozing mines under Superfund has taken on new urgency for both downstream communities such as Durango and people in Silverton.

Facebook users have been planning to crash the meeting for weeks. Tom Newman, writing on The Durango Herald’s website, challenged others to attend in the wake of the Gold King blowout and go “person to person” to ask why Silvertonians still spurn Superfund designation.

Peter Butler, co-coordinator of the volunteer group, said while he was aware of online agitation, he did not know what would happen Tuesday or who would attend.

Unlike the Silverton Town Board or the San Juan County commissioners, the stakeholders’ group has “no authority to compel anyone to do anything. We tend to be a fairly technically oriented group,” he said.

The stakeholders group, which includes scientists, environmentalists, mining interests and government representatives, was founded in 1994 as an alternative to Superfund with the mission of improving water quality in the Animas through a “collaborative process.”

Even in recent years, as pollution from Silverton-area mines worsened – killing 3 out of 4 fish

species living in the Animas below Bakers Bridge – San Juan County officials resisted the EPA’s warnings that the defunct mines needed to be placed under Superfund, saying they preferred working on the problem through the stakeholders’ group.

But since the Gold King blowout, skeptics downstream and in Silverton have questioned whether a cleanup can be accomplished through the stakeholders’ group – which counts representatives from Sunnyside Gold Corp., the last major mining company to operate in the area, and San Juan Corp., the owner of Gold King Mine, among its members.

Melody Skinner, a longtime Silvertonian, has started a petition effort demanding Superfund while longtime stakeholder group members such as John Ferguson continue to oppose Superfund and support addressing the area’s defunct mines through the group.

In an email about the meeting, Peter Butler, co-coordinator of the Animas River Stakeholders’ Group, told the stakeholders: “I’m sure it will be quite interesting.”

In an email, Silverton resident Bob Boeder said pro-mining, anti-Superfund voices in the stakeholders’ group like Ferguson’s “do not represent me or most people who live here.”

### **Durango Herald (CO)**

<http://www.durangoherald.com/article/20150824/NEWS01/150829811/EPA:-River-contaminates-trending-toward-pre-event-levels->

### **EPA: Contaminants near pre-spill levels**

Agency says it validated river samples collected in mid-August

By Jonathan Romeo

Less than three weeks after 3 million gallons of contaminated mine runoff surged down the Animas River, Environmental Protection Agency officials said metal concentrations in surface water are trending toward pre-event conditions.

The EPA said it validated river samples from the Animas River and San Juan River in New Mexico collected on Aug. 11 and Aug. 14. Officials believe the samples indicate the rivers are returning to levels before the Aug. 5 spill.

“Based upon the sediment sampling results, sediment sample concentrations are trending toward pre-event conditions,” the EPA said Sunday in a news release.

The EPA, the agency responsible for accidentally releasing the heavy-metal contaminated water, said it also compared levels for exposure during recreational use to determine if metals in the water are on par with pre-spill levels.

But some say there is far more concern and uncertainty when it comes to the mineral-rich orange sediment that settled on the banks and Animas riverbed.

The sediment, which contains elevated levels of lead and arsenic, poses a potential health risk in both the short- and long-term.

“That’s where the real risk lies in the river,” Danny Teitelbaum, a Colorado School of Mines professor and toxicologist, said in a previous interview with The Durango Herald. “That’s persistent material that can get into the fish, plants and even the water supply. ... The big risks are birth defects and neurological effects on children, whose nervous systems are developing.”

At Iris Park on Monday, news of the EPA’s latest update did little to assure Durango residents of the river’s safety.

“I am still skeptical of the river,” said Christine Siodla, who has lived in Durango for about 13 years. “I would feel comfortable boating, but I would never, myself, feel comfortable swimming just yet. The sediment is still on the bottom, even though we can’t see it.”

As small groups of kayakers and inner-tubers passed by, Barb Garlick, a 38-year resident of Durango, said the EPA has done the best it can under the circumstances, but it’s still too early to really know the impacts of the spill.

“I’m not letting my dog play in it,” she said. “He used to play in the river almost every day, but I don’t want him to stir up the sediment that’s settled. We really miss it.”

As of Monday afternoon, EPA spokeswoman Jennah Durant said the mine is releasing water at a rate of approximately 559 gallons per minute. Durant said that water is captured and treated before being discharged into Cement Creek, a tributary of the Animas.

### **High Country News**

<https://www.hcn.org/articles/five-western-waterways-worse-than-the-orange-animas>

### **Five Western waterways worse than the orange Animas**

Colorado’s Animas River has gotten the most attention — but it’s hardly alone.

Krista Langlois

Aug. 24, 2015 Web Exclusive

When the Environmental Protection Agency unleashed a plume of pollution into Colorado’s Animas River earlier this month, it garnered huge national attention. The spill was significant:

Three million gallons of mining waste laced with heavy metals spewed from the Gold King Mine. Levels of lead and arsenic spiked to levels way beyond what's safe for human health. They still linger to an unknown degree in the sediment.

But it's hard to call the incident catastrophic. At its worst, near the headwaters, the river's pH was 4.8, or roughly equivalent to a cup of black coffee. Downstream in Durango, it never dipped below 6.8, says the independent Mountain Studies Institute — just a smidge more acidic than pure, neutral water with a pH of 7. Elsewhere in the West, people regularly live alongside and play in waterways at least as polluted as the Animas. Here are five.

Montana's Clark Fork: Home to fly fishing, kayaking and whitewater rafting, Montana's largest river also harbors the nation's largest watershed restoration project — a Superfund site to clean up the heavy metals deposited by abandoned mines. The restoration has successfully removed arsenic, copper, zinc, lead and cadmium from the river. Yet because it's funded by a single mining company, there's no money to mitigate the mercury streaming from hundreds of mines owned by other mining companies, or those that are no longer owned by anyone at all. And it's not just the Clark Fork: The EPA estimates that mining has contaminated the headwaters of 40 percent of Western rivers.

New Mexico's San Juan: Every spring, river runners flock to a section of the San Juan in Utah. But upstream in New Mexico, Melissa May of the San Juan Soil and Water Conservation District has found that levels of human and ruminant fecal matter far exceed the Clean Water Act's standards for recreation. Monthly averages shouldn't surpass 126 CFUs (colony-forming units), but some sites on the San Juan where people commonly recreate have counts in the thousands. There may be some relief on the horizon — after years of battles, wastewater treatment in San Juan County is about to improve — but it's been hard to get people's attention when the water looks fine. “The E. coli is definitely not bright orange,” May quips.

Idaho's Lake Coeur d'Alene: The lake is the main driver of Coeur d'Alene's tourism economy — and home to 75 million tons of sediment polluted with lead, arsenic, cadmium and zinc. As with the Animas, locals in Coeur d'Alene resisted designating the area as a Superfund site for fear of the stigma it could bring. Now, leaders are acknowledging that the \$1 million spent annually on cleanup isn't enough to protect water quality. Metals left over from a century of hard rock mining continue to flow into the lake during high runoff; in January 2011, an estimated 352,000 pounds of lead washed into the lake in just 24 hours.

Idaho's Snake: Once home to vibrant inland salmon runs, the Snake River is now euphemistically known as a "working river" — or, as HCN contributor Richard Manning put it, a river that's "wholly subservient to agriculture." Today, the salmon are all listed as endangered or threatened, wells are contaminated with nitrogen, and unmonitored herbicides, pesticides and manure seep into the water table. As of last year, Idaho had 13,057 miles of streams and rivers that fail to meet Clean Water Act standards.

The Animas River — in 1975: In 1975, following a tailings pile breach on the upper Animas, every single fish placed in a cage in the river bit the dust. After the spill this month, just one of the 108 trout dunked in the Animas died. If there are any lessons to be learned from this, it's that a) rivers are remarkably good at healing themselves; and b) just because the river heals doesn't mean the problem has been solved. More than half a million abandoned and inactive hardrock mines dot the West, and many are just waiting to burst. As Andy Corra, co-owner of 4Corners Riversports in Durango, told me, maybe it's a good thing this one happened on the EPA's watch. At least that way, there may be money — for a change — for remediation.

Krista Langlois is an HCN correspondent based in Durango, Colorado.

### **Parker Pioneer (AZ)**

[http://www.parkerpioneer.net/news/article\\_d2b508ae-4aa8-11e5-a8df-a30ccc8baf4f.html](http://www.parkerpioneer.net/news/article_d2b508ae-4aa8-11e5-a8df-a30ccc8baf4f.html)

### **ADEQ says Colorado River water shouldn't be hurt by spill**

Posted: Monday, August 24, 2015 2:41 pm

By John Gutekunst Parker Pioneer

Based on analysis of water samples taken 100 miles from Lake Powell, the Arizona Department of Environmental Quality has stated a spill of toxic materials from an abandoned gold mine in Colorado should have no impact on water quality in the Colorado River.

The spill occurred Aug. 5 at the abandoned Gold King Mine near Silverton, Colo. Contractors working for the U.S. Environmental Protection Agency were attempting to insert a pipe into the

mine to drain off the toxic materials. They underestimated how much pressure had built up underground. As a result, over 3 million gallons of waste material was released into Cement Creek, a tributary of the Animas River. The Animas flows into the San Juan River, which is a tributary of the Colorado River.

The governors of Colorado, Utah and New Mexico and the Navajo Nation declared states of emergency.

In a press release dated Aug. 17, ADEQ Director Misael Cabrera said the Utah Department of Environmental Quality had sampled water in the San Juan River approximately 100 miles upstream from Lake Powell. They found the water quality to be consistent with pre-spill conditions.

“The ADEQ does not expect this spill to have short- or long-term negative impacts to Lake Powell and the downstream Colorado River,” Cabrera said in the press release.

Public health officials in Mohave and La Paz Counties earlier stated the spill will have dissipated and have been diluted to the point where the effects would be negligible by the time the spill reached here.

The ADEQ’s press release went on to state the agency will continue to work with environmental officials in Utah, Colorado and New Mexico and the EPA to monitor water quality from the spill. They noted water use restrictions on the Animas River were lifted Aug. 14 because the river had returned to pre-spill conditions.

The Congressman who represents La Paz County, Rep. Paul Gosar, R-Ariz., has called for EPA Administrator Gina McCarthy to be held accountable for the spill. He and other members of Congress have signed a letter criticizing the EPA’s response to the spill, especially regarding their notification of communities impacted by the spill. Gosar also criticized the Obama Administration for not speaking out against the spill as they would’ve spoken out if it had been done by a private entity.

## **Reuters**

<https://www.rt.com/usa/313304-epa-blowout-risk-colorado-mine/>

## **Danger of toxic ‘blow-out’ at Colorado mine known to EPA since 2014 – documents**

Published time: 25 Aug, 2015 02:08

The Environmental Protection Agency knew about the danger of toxic water potentially spilling out of Colorado's Gold King Mine more than a year ago, new internal documents show. It's unclear what, if anything, the agency did to reduce the risk.

Released on Friday, the documents show that no maintenance had been conducted at the mine since 1999, and in a document dated June 2014, officials warned that a 1995 mine portal collapse, as well as other subsequent internal collapses, made the mine more susceptible to "blow-out."

"This condition has likely caused impounding of water behind the collapse," the document reads. "Conditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals."

Meanwhile, a document from May 2015 also described the potential for a "blow-out" with the exact same terms. This document was created by a contractor working for the EPA called Environmental Restoration.

Earlier in August, a spill of some 3 million gallons of contaminated mine waste flooded into Cement Creek and eventually made its way into the Animas River, turning the waterway a bright yellow-orange color. The leak was caused when an EPA contractor conducting an investigation tried to excavate the mine's entrance.

The toxic sludge contains arsenic, cadmium, copper, beryllium, iron, lead, mercury, and zinc. Measurements taken in the spill's aftermath showed that recorded levels of lead alone were 12,000 times higher than normal. Five water supply systems were hit by the spill, as well as waterways in New Mexico and Utah. In addition to Cement Creek and the Animas River, the San Juan and the Colorado Rivers were also affected.

The newly released documents also detail some of the steps outlined by the EPA that environmental workers were to take to reduce the risk of a blow-out at the mine, including rerouting contaminated water to another treatment site and building water management systems.

However, there has been no confirmation as to whether these steps had been taken by the time of the spill.

The EPA had also called for the creation of a holding pond where contaminants could be treated, but this had not been finished at the time of the incident.

Colorado Attorney General Cynthia Coffman welcomed the release of the documents, but added that more details were needed, specifically regarding what the EPA had done once it had identified the risk of a blow-out.

“When we see the EPA was aware of potential danger ... the next question is with that awareness did they take appropriate caution,” she said, according to the Denver Post.

The EPA has already been blasted for lack of transparency regarding the incident. One of the released documents details the cost estimate for environmental restoration, but all the numbers were redacted. The EPA has spent \$3.7 million on cleanup efforts since the spill, the Colorado Springs Gazette reported.

Investigations into the incident are also underway: one being conducted by the EPA’s inspector general and another by the Department of the Interior. Congressional hearings are also slated to begin concerning the environmental calamity in September.

Colorado Governor John Hickenlooper declared a state of disaster emergency following the spill in order to expedite the state’s response. The Navajo Nation also declared an emergency, as its water systems were also severely affected by the waste.

About 600 gallons of waste per minute were still pouring out of the mine as of last week, the Denver Post reported. Sediment ponds have already been dug by the EPA and a water treatment

machine is set to be operational at the site by winter.

### **Vail Daily (CO)**

<http://www.vaildaily.com/news/17813581-113/sen-bennet-talks-water-and-mine-clean-up-in>

### **Sen. Bennet talks water and mine clean-up in Vail**

Brent Gardner-Smith

Aspen Journalism

8/24/15

VAIL — Speaking at the Colorado Water Congress' summer meeting in Vail this week, U.S. Senator Michael Bennet said it would take an "all-of-the-above" strategy to meet Colorado's future water needs.

"The bottom line for me is that we've got to look at water a little bit like we look at energy in Colorado," said Bennet, a Democrat who was elected in 2010. "We need an all-of-the-above strategy that includes storage and conservation and efficiency. The reality is that we will need to make the best use of the water we have for the rest of our lifetimes."

The need for additional water storage facilities — new dams and reservoirs — is a consistent message heard at the Water Congress meeting and at water-supply planning meetings around the state.

Bennet acknowledged the time and effort that many attendees at the event have spent developing a statewide water plan, which is being prepared by regional "roundtables" and the Colorado Water Conservation Board.

The final plan will be submitted to Gov. Hickenlooper in December and comments on the second draft are due Sept. 17.

“I know that a lot of you here already have contributed many hours, days and even years, and even, really, lifetimes to the effort,” Bennet said. “The water community, the environmental groups, utilities, local governments and agricultural users have all been involved in the drafting of that plan.”

He added, “Whatever comes out in the final plan, it’s clear that action will be necessary to address the challenges that Colorado will face in the coming decades.”

In his opening remarks, Bennet was highly critical of the gridlocked nature of the U.S. Congress and said he’s tried very hard not to spend “one second over the last six years contributing to the dysfunction that’s there,” but instead has worked to find “bipartisan solutions to real challenges that we have.”

He spoke of a week-long tour of the wheat fields of eastern Colorado that he took recently with Republican U.S. Senator Cory Gardner, of Colorado, and how the two of them also agreed to travel to Durango together in the wake of the Gold King Mine spill that discolored the Animas River on Aug. 5.

“It is fun, people see a Democrat and a Republican working together, and they wish they were seeing that in D.C.” Bennet said.

In response to a question, Bennet said he was exploring a Colorado-only version of Good Samaritan legislation, which would shield individuals and organizations that want to work to clean up old hard-rock mines from inheriting the full liability for the mine.

“If we could figure out a way to develop some sort of pilot legislation — we’ve been talking to Congressman Tipton’s office about that — that would allow us to do what needs to be done in our state, that would be a good step forward,” Bennet said, noting there are “thousands” of old

mines in Colorado that need to be cleaned up. “Being stuck in this stasis of not being able to address it guarantees exactly what happened the other day. I don’t think we ought to have our state have to confront something like this again.”

## **Washington Times**

<http://www.washingtontimes.com/news/2015/aug/24/lamar-smith-wants-colorado-mine-epa-contractor-tes/>

### **EPA contractor called to testify on Colorado river spill**

Panel chairman unhappy with agency’s Friday night document dump

By Valerie Richardson

Monday, August 24, 2015

The chairman of the House Science, Space and Technology Committee wants to hear from the EPA contractor on the Gold King Mine spill after learning that the agency knew about the risk of a blowout in advance.

Rep. Lamar Smith, Texas Republican, said Monday that he has asked the head of Environmental Restoration LLC to testify at the Sept. 9 hearing on the Colorado mine accident, which flooded the Animas and San Juan rivers with orange wastewater.

The chairman also has called on Environmental Protection Agency Administrator Gina McCarthy to testify before the committee.

“Both parties should be prepared to be more forthcoming with Congress than EPA has been up to this point,” Mr. Smith said in a statement.

“Releasing key pieces of information in the dead of night on a Friday is not exactly the model of transparency,” he said. “The public deserves to know why the EPA ignored the contractor’s concerns and forged ahead with this project.”

The EPA released a cache of documents late Friday in response to media requests that included a June 2014 work order showing that the agency had been warned about the risk of a blowout from the inactive mine near Silverton, Colorado.

EPA spokesman David Gray said in an email, “EPA will continue to make data and information publicly available as quickly as possible.”

He added that information was available at [EPA.gov/goldkingmine](http://EPA.gov/goldkingmine) and a community hotline was operating at 844/607-9700.

An EPA-led crew triggered the Aug. 5 accident, sending 3 million gallons of wastewater from Cement Creek into the Animas River and through the town of Durango, Colorado, before spreading to the San Juan River and the Navajo Nation.

Navajo Nation President Russell Begaye said in a statement Monday that he still has not approved water from the river for farming and irrigation. He said he will wait at least until the Navajo Nation EPA finishes its testing this week.

He said five of seven San Juan River area chapter officers at an Aug. 20 meeting opposed reopening the river for irrigation.

“I am furious that the U.S. EPA has placed the Navajo Nation into this position. Our farms will not last much longer without water and our resources are depleting,” Mr. Begaye said.

**From:** Bressler, Lindsey

**Sent:** Monday, August 24, 2015 3:47 PM  
**Subject:** RE: CO Mine Spill Clips - 8/24

**Wall Street Journal**

<http://blogs.wsj.com/riskandcompliance/2015/08/24/crisis-of-the-week-epas-toxic-mine-spill-response-scrutinized/>

**Crisis of the Week: EPA's Toxic Mine Spill Response Scrutinized**

By BEN DIPIETRO

2:39 pm ET Aug 24, 2015

Water flows through a series of sediment retention ponds built to reduce heavy metal and chemical contaminants from the Gold King Mine wastewater accident outside Silverton, Colo. Associated Press

This week the crisis entails how the U.S. Environmental Protection Agency and a contractor have responded to the spill of toxic chemicals from a mine in Colorado. The toxic wastewater released during a cleanup of the Gold King Mine sent chemicals into the Animas River, turning its waters a mustard color.

While EPA Administrator Gina McCarthy apologized for the mishap, the agency's response was criticized for being slow and lacking in details. A Missouri-based contractor, Environmental Restoration, was identified as the company that was handling the cleanup at the time the toxic sludge was released into the river.

The company issued a statement saying it couldn't provide any information because it signed a confidentiality agreement with EPA. Ms. McCarthy said the EPA takes full responsibility for the incident, is conducting an internal investigation and will commission an independent review to find out what happened. As one EPA official said: "We typically respond to emergencies; we

don't cause them.”

Looking at the statements of the agency and its top officials, and at the statement from the contractor, the crisis experts were asked to point out what was done properly in terms of crisis response, where the ball was dropped and what needs to be done next as this issue plays out.

Anthony Johndrow, co-founder and CEO, Reputation Economy Advisors: “In evaluating the EPA’s response to the Colorado spill, this quote from Dave Ostrander, EPA regional director of emergency preparedness—‘We typically respond to emergencies; we don’t cause them’—pretty much says it all. The EPA clearly lacks any self-imposed crisis response capability—or training, or experience—as evidenced by this quote, the slow speed of the response and the delays in escalation and coordination with affected communities.

“It would be shocking for a big company to fumble something this badly—imagine if a CEO, several days after a major environmental tragedy, said ‘I don’t have a complete understanding of anything that went on in there,’ as Ms. McCarthy did in response to lawmaker criticism. In fact, I wonder what would have happened if a private company were responsible? Actually, I imagine Ms. McCarthy would be criticizing them in excruciating detail. Instead, she leads with vague apologies, no sense of urgency and a gag order on the contractor involved.

“Even with that confidentiality agreement, Environmental Restoration had a choice. If the lack of information resulting from their silence ends up harming people, the choice to adhere to that agreement will be seen as inexcusable.”

Vincent Schiavone, founder and CEO, Akuda Labs and Listen Logic: “This crisis is an unfortunate example of lack of preparation and practice, inadequate immediate communication response and poor coordination during an unfortunate accident that threatened the public health of many people and impacted many downstream stakeholders. While rare accidents such as Gold Mine are predictable and the EPA and their contractors should have been more prepared and should have practiced crisis response and communication for a predictable event with known downstream impact. The apology by EPA Administrator Gina McCarthy was necessary because of lack of timeliness of notification, information and action.

“The number one task for this type of crisis is immediate notification of all who might be

adversely affected by the consequences. The articles and complaints from numerous state and local authorities, press and consumer groups indicates there was no immediate alarm sounded. A plan should have been in place to immediately notify state and local authorities, digital and traditional press, as well as consumers directly through digital and social media. Twitter and other digital channels effective offer real-time means to alert many stakeholders, including press and consumers, directly.

“Both the EPA and the contractor, Environmental Response, should have been prepared with statements that an accident has occurred, as well as a backgrounder on the risks of environmental remediation work, the safeguards in place to prevent accidents from happening and the processes in place to respond when accidents occur. The statement issued by Environmental Response that it cannot comment due to confidentiality agreements was a very poor crisis communication response and not satisfactory to any stakeholders. The contractor should have been prepared, with EPA coordination, to issue a statement that acknowledged an accident has occurred; that immediate notification was issued; and that immediate damage mitigation procedures were initiated.

“The EPA should adopt the National Transportation Safety Board incident response, investigation and communication model. The NTSB has teams ready to respond to transportation accidents. The NTSB is prepared and well-practiced with immediately securing an accident site, preventing further damage and risk to public safety, and coordinating with state and local agencies and companies involved on response and communication. They hold immediate and frequent press updates and their final reports include recommendations and often requirements for technology and procedural changes to prevent or reduce the risk of similar accidents from happening in the future.”

**From:** Bressler, Lindsey  
**Sent:** Monday, August 24, 2015 2:13 PM  
**Subject:** RE: CO Mine Spill Clips - 8/24

**Colorado Independent (CO)**

<http://www.coloradoindependent.com/155003/cynthia-coffmans-private-meeting-invitation-irks-sw-colorado-public-officials>

## **Cynthia Coffman's private-meeting invitation irks SW Colorado public officials**

Durango Mayor: "Talk about awkward – being asked by the attorney general herself to violate the law."

Susan Greene

August 24, 2015

### **Cynthia Coffman's private-meeting invitation irks SW Colorado public officials**

At the peak of the Animas River crisis, Cynthia Coffman reached out to the Durango City Council and La Plata County Commission and invited each member to dinner. But several of her would-be guests didn't appreciate what the state Attorney General planned to serve up.

Some are blasting Coffman for ignoring Colorado's open meetings law. As the state's top law enforcement official, they say, she should have known better than to try to gather them together in a closed meeting.

"Talk about awkward – being asked by the attorney general herself to violate the law," Mayor Dean Brookie told The Colorado Independent. "We were all pretty taken aback that she would have created that situation."

Others were irritated by what they saw as Coffman's attempt to exploit the disaster playing out in the river that is their community's lifeblood. Coffman's dinner meeting — which she cancelled because of a travel delay — was meant to rally local support for a politically motivated lawsuit against the Environmental Protection Agency for accidentally releasing toxic orange mine waste into the Animas.

"It started to appear very likely that this was going to be a political step rather than a stateswoman-like step by the Attorney General," Durango Councilman Dick White said of the

dinner meeting. “There’s a suspicion that she was playing politics at a time when nobody needed her coming down to play politics in the middle of our local emergency.

“Partisan politics had no place in this situation.”

Coffman refused comment about the criticisms, which mark the latest in a string of controversies about her using the state’s massive Department of Law as a Republican and anti-Obama bully pulpit.

“We don’t have a comment about a meeting that didn’t happen,” said her spokesman, Roger Hudson.

The dinner meeting had been planned at Durango’s Palace Restaurant for the evening of Tuesday, August 11 – just after Gov. John Hickenlooper had toured the river and the city council held a special session declaring a local emergency. Coffman had to cancel because a tornado warning in Denver delayed her flight.

Even if she had made it on time, local politicians say she would have been dining alone. After most members of the city council and county commission agreed to her last-minute invitation, they say they soon realized their colleagues also were planning to attend. More than two members of the five-member city council and more than one member of the three-member county commission gathering to discuss official business would have violated the open meetings law, which is designed to ensure governing boards’ openness and transparency.

“I would expect the Attorney General to know the requirements of the open meetings law. Her request to try to unofficially assemble city council members would be careless at best,” said Peg Perl, senior counsel for Colorado Ethics Watch, a group promoting government ethics and accountability throughout the state.

“The Attorney General is supposed to represent all the citizens of Colorado. We would hope that she would be mindful of the public’s access to government transparency.”

Julie Westendorff, a county commissioner, gives Coffman the benefit of the doubt.

“I don’t know what her familiarity is with open meetings rules in respect to local government. I just look at it as probably an oversight rather than some sort of failure,” she said.

Several commissioners and council members told The Independent they accepted Coffman’s dinner invitation out of respect for her office and hope that she could help when they needed it most.

“You have a high elected official coming down during a local emergency, so my initial response was ‘Sure, I’ll go’,” Councilman White said.

“We assumed at first she was there to see if we needed her assistance,” added Mayor Brookie. “We would have really appreciated it if she had reached out to see what we needed like Gov. Hickenlooper did.”

But the locals soon realized that Coffman was scrambling in-state and with neighboring states’ attorneys general to drum up support for a lawsuit against the Obama administration. Some equated her work around the disaster with GOP presidential contender Ben Carson’s campaign stop in Durango to try to make political hay out of the spill.

Coffman didn’t try to reschedule her meeting with council members and commissioners when it became clear from news reports and other channels that, regardless of their political affiliation, they were more interested in collaboration than litigation.

“We need to partner with the EPA, not sue them, to change the course of our mining legacy in the Animas River watershed,” Brookie said.

“We realized pretty quickly this was just an attempt at political maneuvering by the Attorney General and that there was no reason to meet with her because we had real work to do.”

## **The EPA Knew The 'Blowout' Risks For Colorado Mine Spill**

Matt Vespa | Aug 24, 2015

The Environmental Protection Agency is responsible for releasing over three million gallons of contaminated water from the long-abandoned Gold King Mine into the Animas River, thanks to a botched cleanup assignment conducted by one of their own teams. Colorado, New Mexico and parts of Utah have been affected, with those infamous photos showing orange water flowing down stream. This deluge of toxic water has also placed the Navajo Reservation in the cross hairs. The cost of this fiasco truly is a guessing game, ranging from \$338 million and \$27 billion. Yet, the Associated Press reported over the weekend that the EPA knew about the risks concerning the Gold King Mine cleanup. And, yes, most of the documents were “redacted”:

U.S. officials knew of the potential for a catastrophic "blowout" of poisonous wastewater from an inactive gold mine, yet appeared to have only a cursory plan to deal with such an event when a government cleanup team triggered a 3-million-gallon spill, according to internal documents released by the Environmental Protection Agency.

The EPA released the documents late Friday following weeks of prodding from The Associated Press and other media organizations. While shedding some light on the circumstances surrounding the accident, the newly disclosed information also raises more questions about whether enough was done to prevent it.

The Aug. 5 spill came as workers excavated the entrance to the idled Gold King Mine near Silverton, Colorado, unleashing a torrent of toxic water that fouled rivers in three states.

A June 2014 work order for a planned cleanup noted the mine had not been accessible since 1995, when the entrance partially collapsed.

"This condition has likely caused impounding of water behind the collapse," the report said.  
"Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine."

A May 2015 action plan produced by an EPA contractor, Environmental Restoration LLC, also noted the potential for a blowout.

The May plan also called for a pond that would be used to manage the mine water and prevent contaminants from entering waterways. That pond was not completed.

EPA spokesman David Gray said the document outlined steps that should have been followed but it would be up to pending investigations to decide if the pond should have been in place before the work started.

Much of the documents were redacted. Among the items blacked out was a line specifying whether workers were required to have phones that could work at the remote site, at an elevation of 11,000 feet.

**From:** Bressler, Lindsey  
**Sent:** Monday, August 24, 2015 10:44 AM  
**Subject:** CO Mine Spill Clips - 8/24

**Albuquerque Journal (NM)**

<http://www.abqjournal.com/632537/opinion/colorado-mine-spill-at-least-spared-aquifer.html>

**Colorado mine spill at least spared aquifer**

By George Veni / Executive Director, National Cave and Karst Research Institute

PUBLISHED: Sunday, August 23, 2015 at 12:02 am

Catastrophe struck. Three million gallons of toxic brew spewed from the Gold King Mine into Cement Creek on August 5th.

Seven miles downstream, it flowed through Colorado's scenic town of Silverton and joined the Animas River. It soon crossed nearly 30 miles of the San Juan National Forest before entering New Mexico.

The brew entered about 30 miles of agriculturally rich river floodplain until the Animas flowed into the San Juan River at Farmington. It then turned northwest through another 37 miles of productive bottomland that almost reaches Utah.

Another 70 miles downstream, the flow entered Glen Canyon National Recreational Area, then 70 miles further joined the Colorado River at the upper end of Lake Powell.

Early reports suggest the lake will dilute the pollutants to safe levels. Let's be optimistic and hope so.

Damage has already occurred to drinking water supplies, agriculture, and wildlife that could take years to repair. And we should be thankful for our good luck.

Despite the growing list of damages, the spill could have been a lot worse in a different location.

Most of its course was along a gaining stream, where groundwater flows into the rivers from aquifers, keeping the toxic mix mostly on the surface. Some localized areas of groundwater may be affected, but so far no major aquifers appear impacted.

Cleaning surface water is relatively cheap and easy compared to cleaning aquifers. If the spill entered a karst aquifer, the consequences would have been especially bad.

Caves are the natural pipelines that transmit groundwater in karst. Twenty-five percent of the U.S. is karst, a landscape that contains the most hydrologically complex, productive, yet most vulnerable aquifers on Earth.

Worldwide, groundwater flows through caves at an average rate of 1 mile/day. Natural filtration is effectively non-existent, especially for the types of poisonous chemical and metals associated with mines.

The convoluted paths of karst aquifers and the destinations for their flows are often poorly understood and unmapped. Many of the “rules” governing other aquifers don’t apply to karst.

The Gold King miners didn’t know much about karst, aquifers or the potential environmental consequences of their work when they started digging in 1887.

If the preliminary reports I’ve read hold true, the mine’s location was lucky in regard to aquifers, and very lucky to avoid major karst aquifers. But what about the location of other mines?

The U.S. Environmental Protection Agency has 1,372 sites proposed or listed on the National Priorities List (often called “Superfund”) for their “known releases or threatened releases of hazardous substances.” They are scattered around the country. Many are mines. Many occur in karst and other highly sensitive locations. The Gold King Mine was not on that list.

EPA has not yet released a clean-up cost estimate, which will undoubtedly cost millions.

For several years, federal and state environmental offices around the country have been challenged to do as much or more work to protect public health but with less money. Such an administrative environment spawns oversights and blunders.

No one wants the bad publicity of a Superfund or other toxic clean-up site in their backyard. The cost is certainly unwelcome. But the human, environmental, and economic cost of a release like from the Gold King Mine is far higher and abhorrent.

The Gold King spill was terrible. My heart goes out to everyone it hurts. Yet we were lucky that such a spill didn't happen where it could do more and longer-lasting harm.

Let's not rely on luck. Let us support legislation and funding to clean up our toxic legacy from past generations and protect our environment from future, avoidable, disasters.

The National Cave and Karst Research Institute is based in Carlsbad.

**Associated Press (via KTVN News)**

<http://www.ktvn.com/story/29859995/epa-knew-possibility-of-wastewater-spill-in-animas-river>

**EPA Knew Possibility of Wastewater Spill in Animas River**

Posted: Aug 23, 2015 12:15 PM EDT

By MICHAEL BIESECKER and MATTHEW BROWN

Associated Press

WASHINGTON (AP) - U.S. officials knew of the potential for a catastrophic "blowout" of poisonous wastewater from an inactive gold mine, yet appeared to have only a cursory plan to

deal with such an event when a government cleanup team triggered a 3-million-gallon spill, according to internal documents released by the Environmental Protection Agency.

The EPA released the documents late Friday following weeks of prodding from The Associated Press and other media organizations. While shedding some light on the circumstances surrounding the accident, the newly disclosed information also raises more questions about whether enough was done to prevent it.

The Aug. 5 spill came as workers excavated the entrance to the idled Gold King Mine near Silverton, Colorado, unleashing a torrent of toxic water that fouled rivers in three states.

A June 2014 work order for a planned cleanup noted the mine had not been accessible since 1995, when the entrance partially collapsed.

"This condition has likely caused impounding of water behind the collapse," the report said. "Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine."

A May 2015 action plan produced by an EPA contractor, Environmental Restoration LLC, also noted the potential for a blowout.

The May plan also called for a pond that would be used to manage the mine water and prevent contaminants from entering waterways. That pond was not completed.

EPA spokesman David Gray said the document outlined steps that should have been followed but it would be up to pending investigations to decide if the pond should have been in place before the work started.

Much of the documents were redacted. Among the items blacked out was a line specifying whether workers were required to have phones that could work at the remote site, at an elevation

of 11,000 feet.

A 71-page safety plan for the site included only a few lines describing what to do if there was a spill: Locate the source and stop the flow, begin containment and recovery of the spilled materials, and alert downstream drinking water systems as needed.

Colorado Attorney General Cynthia Coffman said after reviewing the documents that she remained frustrated with the EPA's lack of answers.

"The plan indicates there was an understanding of what might happen and what the potential consequences were. We don't know whether they followed the plan," Coffman told The Associated Press. "I want to give the EPA the benefit of the doubt here. I really want to do that. It's getting harder."

The wastewater flowed into a tributary of the Animas and San Juan rivers, turning them a sickly yellow-orange color and tainting them with lead, arsenic, thallium and other heavy metals that can cause health problems and harm aquatic life. The toxic plume traveled roughly 300 miles through Colorado, New Mexico and Utah, to Lake Powell on the Arizona-Utah border.

EPA water testing has shown contamination levels returning to pre-spill levels, though experts warn some of the contaminants likely sunk and mixed with bottom sediments and could someday be stirred back up.

The documents released at about 10:30 p.m. EDT Friday did not account for what happened immediately before or after the spill.

Elected officials have been critical of the EPA's response. Among the unanswered questions is why it took the agency nearly a day to inform downstream communities that rely on the rivers for drinking water.

Coffman criticized the "late Friday night document dump" and said the redaction of key facts would heighten public suspicions. She also indicated that it undercut EPA Administrator Gina McCarthy's statements accepting responsibility.

EPA spokeswoman Melissa Harrison said the agency has been inundated with media inquiries and worked diligently to respond to them. All information must go through a legal review, she added.

"I do not want people to think we put something out late at night to hide something," she said.

U.S. Rep. Lamar Smith, a Texas Republican who chairs the House Science Committee, said the EPA "has an obligation to be more forthcoming." He called for McCarthy to appear before his committee next month.

U.S. Sen. Cory Gardner, R-Colo., said it was unacceptable that the EPA did not prevent the accident when it knew of the massive quantities of contaminated water inside the mine.

Environmental Restoration has confirmed its employees were present at the mine when the spill occurred but declined to provide more detail, saying that would violate "confidentiality obligations."

The St. Louis, Missouri, company bills itself as the EPA's prime contractor for emergency services across most of the U.S.

The EPA has not yet provided a copy of its contract with the company. On a March 2015 cost estimate for Gold King, the agency blacked out all the dollar figures.

The emergency response to the spill has cost the EPA at least \$3.7 million so far, according to the agency.

Toxic water continues to flow out of the mine. Since the accident, the EPA has built a series of ponds so contaminated sediments can settle out before the water enters a nearby creek.

The agency said more needs to be done and the potential remains for another blowout.

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Brown reported from Billings, Montana.

**Associated Press (via KJZZ Radio, AZ)**

<http://kjzz.org/content/181334/navajo-nation-president-eyes-lifting-advisory-san-juan-river-water>

**Navajo Nation President Eyes Lifting Advisory On San Juan River Water**

By Associated Press

Aug. 21, 2015

FLAGSTAFF, Ariz. — The quality of San Juan River water on the Navajo Nation has returned to what it was before a spill at a Colorado gold mine sent toxic sludge into the waterway, federal and tribal officials said Thursday.

The testing by the U.S. Environmental Protection Agency along with that of the Navajo EPA prompted tribal President Russell Begaye to consider lifting an advisory against using the river to water crops. No decision had been made as of Thursday evening.

Begaye has said he would not advise hundreds of farmers on the Navajo Nation to do so until the tribe's own Environmental Protection Agency determined the river water is safe. Officials from the tribe's EPA told a crowd at a meeting Thursday in Shiprock, New Mexico, that the water meets tribal standards for irrigation but did not disclose any specific results, citing a possible lawsuit against the federal government.

The U.S. Environmental Protection Agency said testing of surface water collected over a week in Hogback, New Mexico, showed water quality at the same levels as those measured before the mine waste reached the reservation. The agency has taken full responsibility for the Aug. 5 spill at the Gold King Mine.

Begaye and other tribal officials talked with farmers Thursday about flushing irrigation canals and possibly opening them up this weekend. The U.S. EPA said it will provide technical assistance.

Hundreds of Navajos farm along the San Juan River grow squash, melons, corn and other crops to sustain their families and to sell at roadside stands and a tribal fair in October in Shiprock.

After the spill, federal agencies, including the EPA and the U.S. Bureau of Indian Affairs, arranged for water to be hauled to tribal communities and hay to be delivered for livestock.

Not all the water has been welcomed.

Shiprock farm board member Joe Ben Jr. complained that water coming from tanks delivered by an EPA contractor contained oil and didn't smell right.

Begaye and Navajo Attorney General Ethel Branch went to Shiprock to look at the tanks a day after farmers voted to reject the water. Branch and Begaye placed their hands inside the area where hoses hook up to the tanks, and their hands came out partially black, according to a video the president's office posted on its Facebook page.

"That is clearly oil," Branch said. "We don't trust the EPA to be here. They need to get out of our nation, send the dollars directly here. Let us take care of these issues ourselves because we care about the health and welfare of our people."

Tribal spokesman Mihio Manus said tribal officials were testing the water from three of the tanks that were being held by tribal police.

The EPA said it would provide an alternate water source from within the reservation but didn't directly address questions regarding the holding tanks. One EPA contractor, Triple S Trucking, said the tanks were cleaned before being delivered to the reservation.

EPA Administrator Gina McCarthy and Begaye spoke Wednesday about water quality in the river and agreed to have EPA cease water deliveries Friday for agricultural use on the reservation, the EPA and Manus said. The agency said it would work with the Navajo Nation on a monitoring plan for the river.

Navajo Nation Council Delegate Amber Crotty and Ben said they are concerned about reintroducing San Juan River to the irrigation canals without knowing more about the impact to the soil. Crotty said farmers already are having trouble selling crops from the area.

Said Ben: "The testing that was done was surface testing, no subsurface testing, also sediment testing. And never any information about the long-term and short-term effects of these toxins in our water."

Messages left with farm board members in Hogback and Cudeii, two other tribal communities where farmers rely on river water, weren't immediately returned.

New Mexico environment officials said Thursday they are planning another water-testing fair for residents next week and the results from previous tests have been mailed to about 570 private

well owners.

Those tests didn't focus on heavy metals, but officials said the results of more extensive testing of more than 100 wells in the Animas valley will be released by the EPA in the coming weeks.

**CNN (via WLWT News)**

<http://www.wlwt.com/national/epa-aware-of-blowout-risk-for-toxic-water-at-mine/34863542>

**EPA aware of 'blowout' risk for toxic water at mine**

By Mary Kay Mallonee CNN

UPDATED 6:00 PM EDT Aug 22, 2015

(CNN) —Newly released internal documents from the Environmental Protection Agency show government contractors warned EPA managers about the potential for a "blowout" at an abandoned mine in Colorado well before millions of gallons of wastewater polluted rivers in three states.

The documents show the EPA was aware of the "endangerment to human health and the environment" for more than a year before an accidental spill of more than 3 million gallons of wastewater at the Gold King Mine on August 5 that ran into rivers in Colorado, Utah and New Mexico.

In a June 2014 work order, the contractor, Environmental Restoration, warned the EPA that conditions at the abandoned mine "could result in a blowout" of wastewater containing toxic heavy metals such as manganese, copper, zinc and cadmium.

The newly released documents show the contractor again warned the EPA of the dangers in May

2015.

EPA officials released the documents at 10:30 p.m. ET Friday after multiple news agencies spent weeks pushing them to release the reports.

The EPA has admitted the toxic spill -- which temporarily turned the Animas River a shade of yellow-orange -- occurred when one of its teams was using heavy equipment to enter the mine. Instead of beginning the process of pumping and treating the contaminated water inside the mine as planned, the team accidentally caused it to flow into the nearby Animas River.

The mine wastewater polluted the river and other waterways with extremely high levels of lead, arsenic, cadmium, beryllium and mercury.

There are multiple ongoing investigations into how the EPA allowed the blowout to happen.

Poisons such as lead were detected in the Animas River, part of the Colorado River system. EPA officials say recent water testing shows contamination levels have fallen back down to prespill levels. However, some experts say the heavy metals have simply sunk to the bottom of the affected waterways and will likely get stirred back up again.

The EPA has been the source of frustration for many local and state leaders who say the agency didn't act fast enough to alert people about the spill. Attorneys general in New Mexico, Utah and Colorado have suggested they may individually or collectively sue the federal government.

### **Daily Times (NM)**

[http://www.daily-times.com/ci\\_28684085](http://www.daily-times.com/ci_28684085)

### **Shiprock Chapter opposes irrigation activities**

Tribe's irrigation system was turned off as a result of mine spill

By Noel Lyn Smith The Daily Times

UPDATED: 08/21/2015 10:10:29 PM MDT

FARMINGTON — The Shiprock Chapter will submit a resolution to the tribal president that opposes resuming the operation of the tribe's irrigation system that delivers San Juan River water to farms within the chapter boundary.

Navajo Nation officials issued restrictions for using river water for irrigation, livestock and recreational activities after toxic metals flowed into the river earlier this month from the Gold King Mine north of Silverton, Colo.

Chapter members voted in favor of the resolution 104-0 with 11 members abstaining during a special meeting Friday, chapter President Duane "Chili" Yazzie said.

The chapter's action came a day after Navajo Nation President Russell Begaye listened to comments and concerns about resuming irrigation activities during a public meeting in Shiprock.

During Thursday's meeting, the Navajo Nation Environmental Protection Agency reported the river water is safe for irrigation.

Mihio Manus, the president's spokesman, said on Friday the president had not issued a decision about whether to resume irrigation.

Yazzie said chapter members approved a second resolution requesting that an alternative water source be piped from Navajo Agricultural Products Industry headquarters to the Hogback

Irrigation System. That resolution passed by a vote of 84-0 with two members abstaining.

Yazzie said the pipeline project was also mentioned in a meeting at the incident command center, which was established inside the Shiprock Chapter house after the spill. Bureau of Indian Affairs Navajo Region Director Sharon Pinto said the project is under evaluation.

"Our resolution was basically to formalize our request," Yazzie said.

Both Yazzie and Manus said Begaye attended the chapter meeting.

"He saw which way the people went. He knows Shiprock's sentiment," Yazzie said.

Begaye joined Navajo Nation Council Speaker LoRenzo Bates and council delegates in two traditional ceremonies this week at the Gold King Mine and along the Animas River in a location north of Silverton. The ceremonies were conducted at the request of the Navajo people and were designed to restore balance to the river, Bates said in a telephone interview Friday.

He added Silverton officials were grateful and welcomed the officials and the ceremonies.

Council Delegate Otto Tso said in a statement the Navajo people are worried about their crops, livestock and land, in addition to their way of life.

"The river had provided abundance of life for our people and to the animal life along the water ways that run through the Navajo Nation," he wrote.

Tso, who represents the Tó Nanees Dizi Chapter in Arizona, stated the Navajo chanters believe offerings were needed in order to restore the people and their way of life.

"Now that our chanters have concluded with the ceremonies, we need to move forward and work with all people, all agencies, to get beyond this situation. We ask that our people throughout the Navajo Nation, to have reverence for our offerings that has been conducted for our water," Tso wrote.

### **Denver Post (CO)**

[http://www.denverpost.com/news/ci\\_28690510/epa-animas-river-surface-water-returning-pre-spill](http://www.denverpost.com/news/ci_28690510/epa-animas-river-surface-water-returning-pre-spill)

### **EPA: Animas River surface water returning to pre-spill conditions**

The EPA said water samples collected last week indicate that the Animas River surface water is returning to pre-spill conditions

By Elizabeth Hernandez

POSTED: 08/23/2015 06:59:40 PM

Environmental Protection Agency officials released new data Sunday that they said indicates surface water concentrations from the Animas River are returning to their normal conditions.

Water samples collected by the EPA on Aug. 16 and 17 have been validated, the agency said. An agency review of the data included a comparison to screening levels for exposure during recreational river use to see if the metal concentrations in the water are consistent with levels prior to the disastrous 3 million-gallon spill that inundated the river in early August.

"Based on the results of the surface water samples in the Animas River, surface water concentrations are trending toward pre-event conditions," the EPA said Sunday.

Residents affected by the incident remain wary of the EPA in the wake of the spill. Silverton and the Navajo Nation have expressed concern with the agency.

Experts point out that metals lining the riverbed could continue to cause long-term effects for agriculture, aquatic life and other life-forms along the Animas River.

Documents released by the EPA late Friday showed that the agency knew the Gold King mine was at risk for blowout more than a year before wastewater spilled from the mine above Silverton on Aug. 5.

### **Denver Post (CO)**

<http://blogs.denverpost.com/eletters/2015/08/22/responding-to-the-toxic-spill-in-the-animas-river-3-letters/38892/>

### **Responding to the toxic spill in the Animas River (3 letters)**

August 22, 2015, 5:00 pm

By DP Opinion The Denver Post DP Opinion

Blaming the accidental spill at the Gold King Mine on the Environmental Protection Agency is like saying it's the fireman's fault for not saving a home during a forest fire.

The EPA works in dangerous conditions every day and with possible exposure to the very toxins they are removing from the polluted water entering our rivers. Unfortunately they cannot always be successful when they are trying to save an area from an inevitable disaster.

Before blaming the EPA, why don't you ask how many successful clean-ups have been completed over the past 25 years? The EPA goes into these situations with the best intentions for a successful outcome.

Those with potential to improve/resolve this situation should take a moment to support those individuals who put their lives on the line to help keep our water, environment and communities safe from any source of pollution.

Genevieve Spangler, Littleton

This letter was published in the Aug. 23 edition.

Coverage of the Gold King Mine spill reveals that the U.S. has about 500,000 abandoned mines, and very few of them have been targeted with cleanup efforts that will cost many billions of dollars. It turns out that it has been common practice by the industry to abandon mines when metals prices fall, and that these neglected mine sites are a great threat to rivers and drinking water.

The biggest takeaway is that our nation's ecological deficit is every bit as big as its fiscal one.

Terry Hansen, Oak Creek, Wisc.

This letter was published in the Aug. 23 edition.

After looking at pictures of a yellow river caused by a spill, why do I think that Christo is sitting somewhere having an artistic brainstorm?

L. Hunley, Grand Junction

This letter was published in the Aug. 23 edition.

As we think about the plight of the Navajo farmers facing toxic waters downstream from the Gold King Mine, we must not forget that the bitter pill they must swallow ultimately came not from the Environmental Protection Agency's contractor, but our mining society 150 years ago where wealth ("gold") was king, and many early Coloradans were thoughtless about what would happen to people who came after them.

What happens 150 years after our time? We face real choices. What we do to our environment, what we do with our Earth's climate, will have serious consequences to those who come after us. Our continued choice to do little about greenhouse gases will likely cause serious hardships for those who come after us, as Navajo farmers now reap the thoughtlessness of our ancestors.

Ken Gerdes, Denver

This letter was published in the Aug. 24 edition.

**Denver Post (CO)**

[http://www.denverpost.com/news/ci\\_28685398/gold-king-mine-epa-was-told-danger-blowout](http://www.denverpost.com/news/ci_28685398/gold-king-mine-epa-was-told-danger-blowout)

**Gold King Mine: EPA was told of blowout danger in June 2014**

By Jesse Paul

POSTED: 08/22/2015 09:51:28 AM MDT40 COMMENTS| UPDATED: A DAY AGO

The Environmental Protection Agency says there may still be blockages in the Gold King Mine that could lead to future wastewater surges more than two weeks after 3 million gallons of contaminants were released at the site.

Officials say while the EPA and state responders have "begun efforts" to ensure such plugs do not exist, the work has not been completed.

The news came as 92 pages of internal documents were released by the EPA late Friday showing the agency knew the Gold King was at risk for blowout more than a year before wastewater spilled from the mine above Silverton on Aug. 5.

#### Animas River pollution

Pete McKay, San Juan County commissioner in Colorado, looks at the site Monday, Aug. 10, 2015, where the Gold King Mine breach occurred, north of Silverton. (Jon Austria, The Daily Times via The Associated Press)

The papers say workers at the site had a list of precautions they were supposed to take to prevent such a disaster. It was unclear Saturday from the documents whether those steps were taken.

"Conditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals," an EPA task order from June 2014 said.

Media outlets and political figures alike have been pushing for weeks to see the documents released on Friday. The agency has come under intense criticism, much of it from politicians throughout the Southwest, for a lack of transparency in the Gold King disaster's wake.

The wastewater release sent yellow-orange sludge cascading into a tributary of the Animas River and prompted emergencies in three states and two American Indian tribes.

The task order, sent to contractor Environmental Restoration LLC, called the mine a "time critical" site and said water could be backed up in the Gold King because of the partial collapse of its portal and blockages within its workings.

The documents show the Gold King's workings had no maintenance since 1991 and that its tunnels had been inaccessible since 1995, when its portal collapsed.

In an action plan dated in May, the EPA contractor slated to work on the mine — Environmental Restoration — said it planned to "de-water" the mine and remove blockages to prevent any blowout danger.

According to the plan, work was to be completed in the summer and fall of 2015, with an official start date of Aug. 17. The EPA said Saturday "work began at the site based on the availability of personnel and equipment, and appropriate weather conditions."

"Collapse blockage material removal will be performed in a controlled manner in (order) to control the rate of release of water and allow for appropriate treatment and sludge management," the EPA work order said.

The documents show the work crew was supposed to remove loose rock from the Gold King's portal bit-by-bit while simultaneously pumping out backed-up wastewater inside the mine. The waste was then to be directed to the adjacent Red and Bonita Mine, lower in elevation, where the EPA and contractors already had set up treatment areas to prevent contaminants from entering the watershed.

The work plan also indicates the crew was to set up structures at the Gold King portal to prevent a blowout, including bedding material and a culvert section. Also as a precaution, the task order instructed the crew to install a gate at the portal that could be locked as part of blowout prevention.

However, EPA supervisor Hays Griswold, who was at the scene of the blowout Aug. 5, told The

Denver Post in an interview this month the plan in place "couldn't have worked." He said conditions in the mine were worse than anticipated.

"Nobody expected (the acid water backed up in the mine) to be that high," he said.

Griswold and his crew were using a backhoe to investigate the area near the Gold King's portal when the blowout happened.

"All that was holding it back was the dirt. The dirt just wasn't going to hold," Griswold said.

The EPA redacted cost estimates for the work from Environmental Restoration's contracts released Friday, covering up figures with a black mark. The agency says the costs were redacted because it is "confidential business information."

Environmental Restoration, in a statement posted on its website Aug. 13, said it stands "behind our project management team and labor force" at the Gold King. The company said because of "contractual confidentiality obligations," it cannot comment on their work at the site or the disaster.

Colorado Attorney General Cynthia Coffman said she read through the documents preliminarily Saturday morning, calling them a "start" that "lays out what should have happened" with work at the Gold King. Now, she says, the question is if the plans were followed.

"It puts a finer point on the fact that we need information about what happened on the fifth and the events leading up to (the spill)," she said. "When we see the EPA was aware of potential danger ... the next question is with that awareness did they take appropriate caution."

Coffman — who said her deputies are reviewing the documents — and her counterparts from New Mexico and Utah have said they are weighing a lawsuit against the EPA. The Navajo Nation says it plans to sue.

The Post visited the Gold King Mine on Wednesday, when wastewater was still flowing from its portal at about 600 gallons per minute. The EPA is treating the sludge below the mine through a series of sediment ponds and says it plans to construct a commercial water treatment apparatus before winter.

The Associated Press reported the agency had spent \$3.7 million through Thursday on response efforts in the spill's aftermath.

The EPA's inspector general, the agency's internal watchdog, is investigating the disaster, and the Department of the Interior is conducting an independent review expected to be completed in October.

U.S. Rep. Lamar Smith, R-Texas, who chairs the House Science Space and Technology Committee, in a news release Friday announced a committee request for EPA Administrator Gina McCarthy to testify at a Sept. 9 hearing about the disaster.

"As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard," Smith said in the release. "The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again."

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Gold king mine

The Gold King was in and out of operation between 1887 and 1922, during which is shipped 711,144 tons of gold and silver ore, according to the EPA. It is currently held by the Golden-based San Juan Corp. and had a permit for operation until 2005.

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## **Durango Herald (CO)**

<http://www.durangoherald.com/article/20150823/NEWS01/150829821&source=RSS>

### **Hickenlooper says no long-term effects from Animas River sampling**

By Tobie Baker

Cortez Journal Article Last Updated: Sunday, August 23, 2015 10:59pm

TOWAOC – A week-and-a-half after drinking water from the Animas River, Gov. John Hickenlooper, during a tour of Ute Mountain Ute land Sunday, pronounced himself in the pink, and he predicted no long-term environmental problems from the Aug. 5 accidental release of heavy-metal contaminated mine runoff.

The Aug. 5 fiasco, originating about 60 miles north of Durango, above Silverton in the Gold King Mine, released about 3 million gallons of heavy-metal contaminated sludge, turning the water of the Animas River orange. Seven days later, Hickenlooper drank from the river, stating, “If that shows that Durango is open for business, I’m happy to help.”

“Are you still healthy?” the Cortez Journal asked Sunday.

“Yeah,” Hickenlooper replied, joking that Ute Mountain Ute Tribal Chairman Manuel Heart asked if he started glowing after drinking from the Animas.

“I think we might have dodged a bullet,” he said about the spill.

The state, he said, would continue to monitor the situation, and the governor predicted no long-term environmental problems as a result of the heavy-metal contaminants. He also praised the Environmental Protection Agency administrator for offering a public apology after an agency-contracted crew caused the spill.

“They have said the people with losses would be made whole,” said Hickenlooper. “That’s the way the federal government is supposed to work.”

### **Durango Herald (CO)**

<http://www.durangoherald.com/article/20150822/NEWS01/150829852/Sediment-issues-a-big-uncertainty>

### **Sediment issues a big uncertainty**

Toxicologists dissect EPA’s water samples

By Chase Olivarius-Mcallister

Saturday, August 22, 2015 9:06pm

What’s in it? How long will it be there? How might it affect our drinking water and our health? These are all concerns for community members, and many experts say we may not know until time goes by and a few spring runoffs continue to wash it downstream.

The EPA says its initial testing on sediment samples taken from the Animas River between Bakers Bridge and North Durango show there is no risk to people from the sediment for recreational purposes. The agency released the results last week.

Many Durango residents who attended a public meeting the EPA held Thursday night asked about the metal levels in the sediment data only to be told that they should ask those same questions to the “experts” in a breakout session. Sediment and water quality was the most crowded breakout session.

At the session, EPA toxicologist Kristen Keteles said she used the maximum level in historical data she could find to show how levels of the different metals compare over the time humans have been measuring them.

“We based our safe-for-recreation numbers on what’s needed to protect children and high-exposure users,” Keteles said.

But Colorado School of Mines professor and toxicologist Dr. Danny Teitelbaum called the sediment data questionable.

The Durango Herald asked Teitelbaum to review the EPA’s post-Gold King Mine sediment data, as well as another data set obtained by the Herald containing EPA sediment testing from samples taken from the Animas River from sites between the Howardsville St. Gage Station – north of Silverton – and Bakers Bridge in 2012, 2013 and 2014.

Teitelbaum said those three-year results frequently showed elevated levels of lead and arsenic – two metals that pose major health concerns.

“There’s reason to worry based on that historical data,” he said.

But, he said, the EPA has provided so little information about the methodology it used when doing its Aug. 11 sediment sampling that it is impossible even for experts to discern whether there are unsafe levels of lead and arsenic in the sediment near Durango after 3 million gallons of contaminated wastewater from the Gold King Mine pulsed downstream.

“At this point, I don’t know whether to trust these results,” Teitelbaum said.

Specifically, he said, the EPA has not explained whether the recent sediment samples were extracted from the actual riverbed or the surface of the water.

On Saturday, after two weeks and multiple requests from the Herald, the EPA responded for comment about how the agency gathered and interpreted the sediment data. Agency scientists didn’t sample from either the surface of the water or the river channel but from the bank where people might physically come into contact with it.

“EPA has continued to collect sediment samples from the bank where sediment from the event is deposited and accessible to the public,” Senior Communications Officer Mark MacIntyre said in an email. “One set of samples is released and is available on the website.”

MacIntyre said the EPA is not sampling sediment from the main river channel, but it is sampling river water that would include suspended solids.

Three Region 8 EPA officials who were directly involved with sediment testing in the Animas River from 2012 to 2014 did not respond to phone messages requesting a fuller explanation of what the sediment tests mean, but the EPA did release information showing the average of all sediment tests taken between October 2012 and September 2014, well before the Gold King Mine incident.

Peter Butler, co-coordinator of the Animas River Stakeholders Group, said the Gold King Mine spill is not necessarily responsible for the levels of lead in the Animas River’s sediment, pointing to high levels of lead in the sediment lining the bed of the Animas above Silverton and the confluence with Cement Creek beneath Sunnyside Gold Corporation’s Mayflower tailings ponds. Those levels are higher than the elevated levels after the spill.

“The levels of lead there are as much as 10 times higher than those found near Durango after the spill,” Butler said testing in 2013 and 2014 showed, “and there are some brook trout living there.”

Larry Perino, a spokesman for Sunnyside, said in an email Saturday that “all of the former tailings impoundments have been completely reclaimed in accordance with applicable regulations. The source or cause of any elevated results in this segment of the Animas has not yet been determined.”

Teitelbaum said it’s vital for the EPA to establish, and the public to know, what, exactly, is in the riverbed, because all kinds of organisms feed off of it. “(The sediment) is biologically very active,” he said.

Metals are typically inorganic, meaning they are difficult for living organisms to absorb. But when metals get trapped in the layer of sediment lining the riverbed, plants and insects can convert them into organic metals, which are easily absorbed by other plants, animals and humans.

“That’s where the real risk lies in the river,” Teitelbaum said. “That’s persistent material that can get into the fish, plants and even the water supply.”

There are no hard and fast standards agreed on by scientists for metal loading in sediment. Teitelbaum said as a general rule, humans, animals, plants and other organisms can tolerate exposure to elevated levels of most metals – for instance, iron – for a short period of time, either by storing them in the body or getting rid of them.

Butler said he questioned whether Teitelbaum can say the levels of the metals are dangerous if there are no agreed-upon standards for metals in sediments. He also wondered how those metals might get into people’s bodies, particularly if there’s an advisory against eating fish caught in the Animas. Colorado Parks and Wildlife issued the advisory at the time of the spill and expects to have test results back soon on its first batch of tests of the fingerlings that were in the river during the height of the plume.

Over the long term, exposure to even small doses of many metals is dangerous. In fact, lead is a universal toxin, meaning that “no biological systems can tolerate lead without it having a toxic

effect,” Teitelbaum said.

Clean-water standards allow for varying levels of zinc, magnesium and cadmium, but lead and arsenic are so poisonous that the EPA sets their maximum contaminant-levels goal at zero.

Teitelbaum worries about the levels of lead and arsenic that could potentially be present post-spill: “The big risks are birth defects and neurological effects on children, whose nervous systems are developing,” he said.

That would entail ingestion of the lead and arsenic, either by eating fish caught in the Animas or drinking water straight from the river. The city of Durango performs extensive tests on any of the water it pulls from the Animas, which is a small percentage of what it uses because it pulls the bulk of its water from the Florida River.

### **Durango Herald (CO)**

<http://www.durangoherald.com/article/20150821/NEWS01/150829905/-1/taxonomy/River-spill-captures-attention-of-media->

### **Gold King Mine spill captures attention of world’s media**

Orange color of Animas, mystique of American West attracts a lot of eyes

By Ann Butler Herald staff writer Article Last Updated: Friday, August 21, 2015 9:16pm

Within 48 hours of the Gold King Mine spill, media from across the nation and around the world began converging on Durango to report about a river that turned orange.

The New York Times on Aug. 11 featured full-page coverage of the Gold King Mine spill into the Animas River, including Durango Herald photographer Jerry McBride's shot of three kayakers on the orange water. The Times was not deterred by the fact that the river was no longer orange when it ran the story.

Michael Davis, an Environmental Protection Agency spokesman, said that while they don't keep a log, the Joint Command Incident Center has responded to requests for information from hundreds of media outlets, perhaps as many as 1,000.

"There's been so much attention, it's been so dramatic," said one attendee at Thursday night's community meeting. "People are acting like this is a Love Canal or Gulf (Coast) oil spill, and I don't think we're anywhere near that."

The story ran on television and radio around the world and was picked up by major print outlets such as Time, Newsweek and The New York Times, as well as several Internet news organizations.

Durango Herald photo editor Jerry McBride's shot of three kayakers on orange water went viral. Perhaps the real test that the Animas River spill had entered the national consciousness was its appearance on Conan O'Brien's show on TBS in a fake ad for "The Colorado Natural Disaster Ultimate River Rapids Extreme Kayaking Adrenaladventure Tours."

Several locals spent countless hours speaking to the press. Dan Olson, executive director of the San Juan Citizens Alliance, was on speed dial for numerous reporters. He said he'd lost count of the number of print and broadcast outlets he's spoken to in the last 2½ weeks.

"Let's see, the Guardian, the Wall Street Journal, The New York Times, (Colorado Public Radio), (National Public Radio), MSNBC, Al Jazeera International and English ..." Olson said. "It's been a full-time job, purposefully prioritized for us, because it was important for them to understand not just what happened with this spill but that it's a persistent problem that has plagued all the communities along the Animas River. We're hoping to galvanize national and international interest to solving the larger problem of mine drainage in the watershed."

Buck Skillen, the president of the Five Rivers Chapter of Trout Unlimited, found himself wearing two hats when speaking to the media.

“I try to make sure people realize Durango’s still open for business,” he said. “But I fly-fish in the Animas, although it’s always catch-and-release. And the reality is that we live in an urban area, with brake dust and petroleum from the roads naturally washing into the Animas every time it rains. So the reason we don’t eat the fish isn’t really a function of this spill, it’s a function of the ongoing mining drainage and the fact that we live in an urban area.”

Why did they come?

But why did so many media outlets respond to an environmental crisis in an isolated area on a river most of them had never heard of – or could pronounce – that affected a relatively small number of people?

There are several reasons, said Michael Kudas, associate director for the Center for Environmental Journalism in the College of Media, Communication and Information at the University of Colorado.

“Of course, most simply, the color made for such a dramatic image,” he said. “Anyone, anywhere in the world, even if they didn’t speak English, could look at that spectacularly scenic river and see that something wasn’t right. Visuals drive so much news coverage anymore.”

It was amplified, Kudas said, because the spill was triggered by the EPA, which is the agency that is supposed to be protecting our environment.

“Even more importantly, the fact that the EPA has become such a political football in the last couple of years has allowed several presidential candidates not generally renowned for their environmental leanings to attack the EPA as environmental protectors,” he said. “Particularly for the international media, which is fascinated by the reality TV show of American presidential politics, they found all the outlandish statements about the Animas River in this political

sideshow as colorful as the incident itself.”

The final component that lifted the Animas River to front-page news was that it happened in the American West, he said.

“There’s a worldwide mythology of the American West,” Kudas said, “from the different landscapes to the miners, cowboys and rugged individuals who settled the West, which really fascinates countries that are centuries or millennia past that stage in their own history.”

### **Eastern Arizona Courier (AZ)**

[http://www.eacourier.com/news/game-fish-to-monitor-fish-at-lake-powell-lee-s/article\\_bed15760-4865-11e5-a33c-7bd13aaefdeb.html](http://www.eacourier.com/news/game-fish-to-monitor-fish-at-lake-powell-lee-s/article_bed15760-4865-11e5-a33c-7bd13aaefdeb.html)

ENIX — The Arizona Game and Fish Department, in cooperation with the Arizona Department of Environmental Quality, will collect a broad spectrum of environmental samples, both biological and physical, from the Arizona portion of Lake Powell as part of continued monitoring for potential impacts of the Colorado Gold King Mine spill.

The Lake Powell sampling effort will be followed by similar collections on the Colorado River at Lee's Ferry, about 15 miles downstream of Glen Canyon Dam.

U.S. Rep. Ann Kirkpatrick, D-Ariz.

All samples, including fish tissue samples, will be collected by mid-October and analyzed for heavy metals. These data sets will be used to compare historical and future data in an effort to document any potential negative impacts to Lake Powell and the Blue Ribbon trout fishery at Lee's Ferry.

Last week, ADEQ completed sampling to characterize baseline water quality in Lake Powell and the Colorado River at Lee’s Ferry and submitted those samples for analysis with the fastest possible turnaround time. ADEQ expects to receive lab results soon, which it will compare with

Arizona surface water quality standards and historical data.

The already diluted contaminant plume will become even more diluted in Lake Powell. For context, the plume is estimated to be about nine acre-feet of water, whereas the lake currently contains about 13 million acre-feet of water at 50 percent capacity. Because of the retention time in Lake Powell, biologists estimate the plume may take 18 months to two years to reach Glen Canyon Dam.

“Although the dilution and travel times are great, the potential impact, both short term and long term, to fish and other natural resources in Arizona must be properly evaluated,” said Fisheries Chief Chris Cantrell.

Meanwhile, U.S. Rep. Ann Kirkpatrick, D-Ariz., traveled to Page on Aug. 14 to meet with EPA officials and local leaders regarding the potential impact on Lake Powell and the region from contamination in the Animas River and San Juan River. Northern Arizona and the Navajo Nation, which Kirkpatrick represents in Congressional District One, are the Arizona regions at most imminent risk for any harm from the Gold King Mine spill.

Kirkpatrick’s visit included meetings with Page Mayor Bill Diak, School Superintendent Robert Varner and the Chamber of Commerce. She also visited Antelope Point Marina, where EPA and National Park Service officials spoke with her about efforts to monitor and protect Lake Powell.

“I want Arizona to know that Page is open for business, and I want folks in Page to know that their concerns are being heard and actions are being taken to protect Lake Powell in both the short and long term,” Kirkpatrick said in a press release. “I’ll do everything I can to hold the EPA accountable and support our local economy.”

### **The Hill**

<http://thehill.com/policy/energy-environment/251780-epa-knew-of-blow-out-risk-before-colo-mine-spill>

## **EPA knew of danger at abandoned mine, documents show**

By Timothy Cama - 08/24/15 09:34 AM EDT

Officials at the Environmental Protection Agency (EPA) knew of the potential for a poisonous water “blow-out” at an abandoned mine in Colorado at least a year before the major spill this month.

The revelation came in dozens of pages of documents related to the Gold King Mine near Silverton, Colo., that the EPA released late Friday night.

In a work order written by the EPA in June 2014 instructing contractor Environmental Restoration about the mine’s conditions, the agency said there is likely at least one “impoundment” of wastewater in the mine, due largely to a 1995 collapse of a portal leading to it.

“Conditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine,” the EPA’s Denver-based region 8 wrote in the report.

A communication in May 2015 by Environmental Restoration also warned of the blowout risk. It called for the construction of a pond to catch the wastewater, but the pond did not get built.

The reports are likely to play a major role in the various investigations that have been launched into the incident. Lawmakers are conducting probes, in addition to EPA’s Office of Inspector General, the Interior Department and other bodies.

The EPA is under fire locally and nationally over the Aug. 5 spill, in which about 3 million gallons of fluid containing heavy metals like mercury and lead spill into a tributary of the Animas River, turning it bright orange and closing it and other rivers for more than a week.

The House Science Committee announced last week that it would conduct the first hearing regarding the spill in September, after Congress returns from its summer recess.

The EPA has also weathered criticism for a perceived lack of transparency and urgency in its response.

The documents released Friday night came only after prodding from multiple media outlets. The department took the unusual step of posting them publicly on its website instead of routing them through public records requests.

### **KOAA Channel 5 News (CO)**

<http://www.koaa.com/story/29858349/epa-knew-risks-of-mine>

### **EPA knew risks of mine**

Posted: Aug 22, 2015 8:46 PM EDT

Updated: Aug 22, 2015 8:46 PM EDT

SILVERTON, Colo. -

Reports are surfacing that the U.S. Environmental Protection Agency knew the Gold King mine was at risk of a blow out before it happened. In documents released by the EPA to our sister station in Denver, the agency admits that the mine could have had a "blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediments from inside the mine, which could contain concentrated heavy metals."

In May, the EPA reportedly had a work plane in place to dig into the blockage at the entrance of the mine from the top down and drain any water trapped behind. The documents also state the Gold King Mine had not had maintenance of the mine workings since 1991. The EPA says Gold

King Mine met the criteria for a removal action in June 2014.

The documents show that the agency was aware the Gold King Mine could have had water backed up, and that the water could present a danger to human health. It was also stated that the cleanup was considered time critical removal and the mine discharge was a "significant contributor of manganese, copper, zinc and cadmium into the Cement creek drainage of the Animas River watershed."

Read more of the EPA's report here.

### **KOB Channel 4 News (NM)**

[http://www.kob.com/article/stories/s3885998.shtml#.Vdsiq\\_lVhHz](http://www.kob.com/article/stories/s3885998.shtml#.Vdsiq_lVhHz)

### **Black panels could be a solution to tainted Animas water**

Created: 08/21/2015 7:05 PM

By: Devin Neeley, Eyewitness News 4

A California company says it may have a solution to the water problems on the Navajo Nation. Water in the San Juan River has still not been cleared for use in agriculture there.

"There is a need for good drinking water," said Dale Tsosie.

Tsosie was busy unloading the bed of his truck, he said, he came with a load of water.

It was a 3 and a half hour drive, about 200 miles.

According to Parke Blair, CEO of GeoSource Foundation, a big black solar panel could be the short and long-term solution to clean drinking water on the Navajo Nation.

"We can take water contaminated by the EPA spill from the Animas and San Juan and take that water and provide pure potable water for irrigation and remove those contaminants,' Blair said.

The Carocell panels are solar distillation units that have the capacity to clarify about 15 gallons of water a day, Blair said.

“We can provide all the water a home would need with one or two panels as long as you have sun,” he said.

Blair says the Carocell panels can be implemented on a large scale like in a municipal water system or could have been used to treat water from the gold king mine before it even reached the river.

“We are here to help, we don't know where this is going to lead,” he said.

According to Blaire, the panels cost between \$500 and \$700 each and could be in place in just a few weeks

“This isn't going to go a long way but it is helping,” said Tsosie.

No decision yet on when the San Juan River on the Navajo Nation will be reopened for agriculture use, that decision comes from the office of the president of the Navajo Nation.

Devin Neeley

### **International Business Times**

<http://www.ibtimes.com/epa-knew-dangers-blowing-toxic-colorado-gold-mine-did-it-anyway-report-2064781>

## **EPA Knew Dangers Of Blowing Up Toxic Colorado Gold Mine, Did It Anyway: Report**

By Brendan James

August 23 2015 5:46 PM EDT

The Environmental Protection Agency was aware that remains of a gold mine in Silverton, Colorado, could produce a toxic “blowout” this month, according to official documents obtained by the Associated Press.

An attempted cleanup of the Gold King Mine in July inadvertently released 3 million gallons of contaminated water into the Animas river, loading it with traces of heavy metals and sediment. On Friday, the EPA handed over documents that "shed a little more light on what officials knew leading up to the botched cleanup," the AP reported.

The accident is currently under multiple department investigations:

A 71-page safety plan for the site included only a few lines describing what to do if there was a spill: Locate the source and stop the flow, begin containment and recovery of the spilled materials and alert downstream drinking water systems as needed.

Colorado Attorney General Cynthia Coffman said after reviewing the documents that she remained frustrated with the EPA's lack of answers.

"The plan indicates there was an understanding of what might happen and what the potential consequences were. We don't know whether they followed the plan," Coffman told The Associated Press. "I want to give the EPA the benefit of the doubt here. I really want to do that. It's getting harder."

The contamination spread 300 miles "through Colorado, New Mexico and Utah, to Lake Powell on the Arizona-Utah border," the wire service reported. To handle the aftermath, the agency has tried to manage the damage with "containment pods" that soak up the toxic elements before they reach other parts of the river.

Earlier this month Colorado funneled \$500,000 to assist in the cleanup via the state's Disaster Emergency Fund. Colorado Gov. John Hickenlooper declared a disaster emergency.

Agencies estimate it could take years -- even decades -- before mines like Gold King can be safely shuttered.

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## **Pueblo Chieftain (CO)**

<http://www.chieftain.com/opinion/3857727-120/epa-mine-blame-colorado>

### **Letter: Who is really to blame for mess?**

Last modified: August 22, 2015 11:30PM

Don't blame the Environmental Protection Agency.

A recent editorial blaming the EPA for Durango's yellow (Animas) river woes overlooks some details.

The EPA has been underfunded for years, thanks to lobbying by the mining industry, and some conservatives have tried to eliminate it entirely. EPA is doing the best it can, but it is on a short leash.

Why not go after the mine owners? They made millions, and then left pools of cyanide and other toxins up high in our mountains, where they of course would someday overflow.

Without the EPA, Denver still would have its 1980s brown cloud (only worse; think Beijing), and every Colorado town would have a leaking gold mine or uranium plant upstream.

Do you think the mine owners will clean up their mess without laws forcing them to do so? Maybe the conservatives who cut the EPA funds over the years could gather shovels and picks and fix the mine water problem on their own.

It's sad to see parts of Colorado turning into an environmental version of West Virginia, but

without the EPA it would be far worse.

Graham Hoffman

Pueblo West

### **Pueblo Chieftain (CO)**

<http://www.chieftain.com/news/politics/3867568-120/tipton-congress-federal-protect>

### **Tipton: Time to clean up federal mess**

He says regulators have overstepped their bounds

BY CHRIS WOODKA THE PUEBLO CHIEFTAIN

Published: August 22, 2015; Last modified: August 22, 2015 04:00AM

If anything good can come of the release of contaminated water from the Gold King Mine into the Animas River earlier this month, it might be a federal law to make mine cleanup easier.

“This is an appropriate time to have a conversation on Good Samaritan legislation that would protect our state and other Western states,” U.S. Rep. Scott Tipton told Colorado Water Congress Thursday.

His statement drew a spontaneous round of applause, because the legislation has been sought by both Republicans and Democrats from Colorado for years.

Good Samaritan legislation would allow cleanup of abandoned mine sites that can pollute water by removing barriers of liability.

[Need subscription for full article]

**Summit County Voice (CO)**

<http://summitcountyvoice.com/2015/08/22/new-documents-show-epa-tried-to-warn-colorado-about-blowout-potential-at-gold-king-mine/>

**New documents show EPA tried to warn Colorado about blowout potential at Gold King Mine**

Posted on August 22, 2015

By Bob Berwyn

FRISCO — The EPA knew there was potential for a dangerous blowout at the Gold King Mine at least since the summer of 2014, when the agency issued a Task Order Statement of Work.

In the July 25, 2014, order, the EPA wrote that conditions at the “Gold King Mine present an endangerment to human health and the environment and meet the criteria for initiating a removal action ...”

Just more than a year later, the mine spilled about 3 million gallons of water tainted with arsenic, zinc, manganese, cadmium and lead. Concentrations of some pollutants spiked to many times the level deemed toxic for fish and other aquatic life.

New information about what the EPA was doing when its contractors accidentally breached a rubble dam to trigger the spill are detailed in documents the agency publicly released last week.

The EPA has faced criticism for a lack of timely and transparent communication during the early stages of the spill. For example, the Denver Post reported that the Republican attorneys general of Colorado and Utah — clearly on an EPA witch hunt — alleged that the EPA has withheld information about the mine.

The EPA published the documents in an effort to respond “to concerns and to evaluate impacts to water and sediment that may have been contaminated by the Gold King Mine release,” according to this agency web page. the Denver Post reported that the Republican governors of Colorado and Utah — clearly on an EPA witch hunt, alleged that the EPA has withheld information about the mine.

“Given the experience with the August 5, 2015 blow out from pressurized water at the Gold King Mine, additional work is needed to ensure there are no more blockages holding back water which could contribute to future surges of contaminated water. The EPA and State responders have begun these efforts, but they have not yet been completed,” the agency wrote.

The work that was being done when the water surged out of the mine was aimed at relieving pressure buildup from historic construction operations at the interconnected mines by the previous mining operator. Among other things, the contractors working for the EPA were trying to improve site access, stabilize the mine structure and control water and metals.

The work order also describes previous work done by the Colorado Division of Reclamation, Mining and Safety, including trying to stabilize the existing opening to allow mine water drainage

The work order states that the existing conveyance channel shall be protected and maintained during the work.

“If it becomes necessary to remove these drainage features, then suitable measures must be installed to control flows during the work. A replacement conveyance system is required to be installed after the portal and underground work are completed,” according to the work order.

In a key passage, the work order describes what the EPA had in mind with future work:

“It is proposed to re-open the Gold King Mine portal and workings to investigate the conditions to assess the on-going releases. This will require the incremental de-watering and removal of such blockages to prevent blowouts. The work is intended to take place in September-October, 2014. In addition, the secondary purpose of the work is to attempt to identify and characterize specific water flows into the mine and evaluate potential means to mitigate those flows if possible.”

A key focus of the work was to repair the portal in order to try and control what the EPA knew to be a potentially disastrous surge of polluted water:

“In addition, specify the anticipated approach for removing overburden, debris and re-establishing a safe structure that can be used for entry and egress and secured when not in use. This includes installing a portal gate with a secured locking system ...

“Measures will be taken to control water and metal precipitate sludge and sediment that are impounded behind any blockage at the portal or in the mine. This will include the treatment of surge water discharge as necessary to prevent an uncontrolled release and impact to surface

water.”

The EPA also knew that the water at the Gold King Mine would have to be treated at some point:

“A temporary water retention and sludge management pond must be prepared and operated, as necessary, on site to manage mine water and sludge removed from the adit. This will be used to manage impounded mine water and base flows and metal precipitate sludge from the mine workings during the construction activities.”

The second key document released by the EPA is a May 2015 Action/Work Plan which names ENVIRONMENTAL RESTORATION, LLC as the contractor. The plan outlines the scope of work and the operational approach.

In a background section, the agency once again detailed historic conditions at the mine that likely primed the site for the toxic surge on Aug. 5 this year, clearly recognizing the potential for a disastrous blowout:

The Gold King Mine has not had maintenance of the mine working since 1991, and the workings have been inaccessible since 1995 when the mine portal collapsed. This condition has likely caused impounding of water behind the collapse. In addition, other collapses within the workings may have occurred creating additional water impounding conditions. Conditions may exist that could result in a blow-out of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals.

The Scope of Work section says that the contractor was to remove material covering the adit, which is probably what was being done when the mine spilled its guts.

Read all the EPA’s posted documents here: <http://www2.epa.gov/goldkingmine/epa-posts-gold-king-mine-file-documents>

### **Washington Times**

<http://www.washingtontimes.com/news/2015/aug/23/epa-knew-of-blowout-risk-at-gold-king-mine/>

### **EPA knew of ‘blowout’ risk at Gold King Mine**

By Valerie Richardson - The Washington Times - Sunday, August 23, 2015

DENVER — It turns out the Environmental Protection Agency knew about the risk of a blowout from the Gold King Mine more than a year before orange toxic sludge flooded the Animas River in southwest Colorado.

The EPA released documents late Friday showing that the agency had been warned in a work order for a planned cleanup about the potential for such an accident in June 2014, or about 14 months before the Aug. 5 spill triggered by an EPA-led team.

“Conditions may exist that could result in a blowout of the blockages and cause a release of large volumes of contaminated mine waters and sediment from inside the mine, which contain concentrated heavy metals,” said the work order.

The revelation comes as a House committee prepares to hold hearings on the disastrous Aug. 5 blowout that sent toxic sludge into three states and two Indian reservations.

House Science, Space and Technology Committee chairman Lamar Smith called Friday on EPA Administrator Gina McCarthy to testify before the panel on the wastewater spill triggered by an EPA-led crew.

The agency has come under fire for waiting 24 hours before notifying state and local authorities about the Aug. 5 blowout at the inactive mine.

“Weeks after the spill, families and businesses who depend on the Animas River continue to deal with uncertainty and limited information,” Mr. Smith said in a statement. “As the agency entrusted by the American people to protect the environment and ensure the nation’s waters are clean, the EPA should be held to the highest standard.”

“The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again,” he said.

Ms. McCarthy has apologized on the agency's behalf after EPA contractors accidentally uncorked three million gallons of toxic wastewater from the Gold King Mine near Silverton, Colorado, which quickly spread to northern New Mexico and the Navajo Nation.

The mine continues to leak about 600 gallons of orange wastewater per minute, which is being captured in sediment pools and treated before being released, according to EPA officials.

The EPA's advance warning of such a spill prompted a rebuke Saturday from Advancing Colorado's Jonathan Lockwood.

"The dangerous, reckless and aloof EPA is proving it doesn't deserve our hard-earned money or belong in the driver's seat of environmental policy," said Mr. Lockwood, executive director of the free-market advocacy group.

The Interior Department and EPA's Office of Inspector General are investigating the accident.

**From:** Bressler, Lindsey  
**Sent:** Friday, August 21, 2015 3:48 PM  
**Subject:** RE: CO Mine Spill Clips - 8/21

**Denver Post (CO)**

[http://www.denverpost.com/opinion/ci\\_28679479/150-year-legacy-mining-pollution](http://www.denverpost.com/opinion/ci_28679479/150-year-legacy-mining-pollution)

**Thompson: A 150-year legacy of mining pollution**

By Jonathan Thompson

High Country News

POSTED: 08/21/2015 12:00:00 PM MDT

When the Tang-orange plume of acidic water and heavy metal-laden slime blasted out of a mine in southwest Colorado's San Juan Mountains on Aug. 5, tore through Cement Creek in Silverton, ran into the Animas River and, finally, the San Juan River some 100 miles downstream, it may have seemed like a pristine mountain stream was forever sullied.

That's not really the case. The Animas River, as clear and clean as it may have looked just prior to the spill, lost its pristine status many years ago, soon after Anglo settlers converged on the region in the 1870s and started tearing up its mountains in search of gold and silver. Since then, the Animas and the San Juan, into which it runs, have been repeatedly battered and abused by the humans who rely on them.

The mining industry was probably the most persistent abuser of the watershed. First, there were the tailings dumped in the river, then the billions of gallons of acid mine drainage that have poured from mine adits into streams and, ultimately, into the Animas over the decades. Even after it left the region, the industry continues its abuse: Before the Gold King mine blew 3 million gallons of orange spooze into the watershed this month, it had been discharging similarly tainted water at a rate of 50 to 250 gallons per minute, or more than 100 million gallons per year, into Cement Creek.

But hardrock mining is only one of the watershed's abusers. The Animas runs right through one of the nation's most prolific natural gas fields, and coalbed methane wells are common on its shores. The San Juan's muddy waters flow between two gargantuan coal-fired power plants before passing through uranium mining country and the Aneth oil field. As Dan Olson, director of the conservationist group San Juan Citizens Alliance, said a few days after the spill: "This is an industrialized landscape."

It's not just industry, either. This landscape has also been farmed, grazed and urbanized. More and more people move here every year and put more demands on the rivers, and more stuff into them. In fact, nutrient loading and bacteria levels are so high on the Animas and San Juan in northwestern New Mexico, that Dave Tomko, with the San Juan Watershed Group, was downright blasé about the orange plume moving towards his community. He figured that naturally high pH levels in the San Juan, along with extra releases from Navajo Reservoir upstream, would buffer the impacts of the acidic plume. Tomko's major concern was for crops

that would go thirsty as irrigation intakes were shut down. As far as the plume's toxic impact, though, he said: "We've got bigger issues than this."

Perhaps the orange plume's silver lining will be waking people up to the value of their rivers, and to all the ways they're threatened every day.

Jonathan Thompson is a senior editor of High Country News.

### **Indian Country Today Media Network**

<http://indiancountrytodaymedianetwork.com/2015/08/21/navajo-nation-sends-back-oily-smelling-water-tanks-161480>

### **Navajo Nation Sends Back Oily-Smelling Water Tanks**

Alysa Landry

8/21/15

Navajo President Russell Begaye has ordered police to confiscate large tanks full of water delivered to the reservation for farmers and ranchers to use for crops and livestock.

The water, which arrived in 16,000-gallon tanks, was intended to fill the gap caused on August 5 when Environmental Protection Agency crews working at Colorado's Gold King Mine accidentally released three million gallons of toxic wastewater into the Animas and San Juan rivers. The spill prompted Navajo officials in New Mexico, Utah and Arizona to close access to the river and halt irrigation pumps while EPA officials tested the water.

Thirteen big, black water tanks were delivered to the New Mexico part of the reservation, with nine of those going to Shiprock. Residents lined up with buckets, barrels and tanks of their own, but quickly noticed that the water in the tanks was no more safe than was the river water.

“When people got water from some of those tanks, they put it in 6-gallon jugs and brought it to the chapter,” said Duane “Chili” Yazzie, president of the Shiprock Chapter. “Some of the water was reddish colored or brownish. Some of the water was oily and some had a petroleum smell to it.”

Some residents used the water before realizing it was contaminated, Yazzie said. One woman complained that her plants had an oily sheen the morning after she watered them.

“These people are desperate,” Yazzie said. “The hopes of the farmers of actually being able to save their crops was obliterated because the water is tainted.”

After hearing the complaints, Begaye decided to investigate on his own. In a video posted to his Facebook page, Begaye fills a Styrofoam cup with water from one of the tank’s spigots then dips a finger in the water.

“This is oily,” he says. “How can anybody feed this to their cows? They are ingesting oil into their body, into their system.... For us to feed this to our animals, our crops, there’s no way.”

In the video, Begaye says he has asked the EPA to remove the water tanks. Then he ordered the Navajo police to confiscate two of the tanks for evidence.

The EPA had hired a local company, Triple S Trucking, to haul tanks full of water to the reservation. The water came from a nearby municipal water source.

In a statement to KOB-TV in Albuquerque, Triple S Trucking said it will investigate the problem. Triple S, which has offices in New Mexico, Utah and Pennsylvania, specializes in delivering water for fracking operations.

“Triple S Trucking has received assurances that each of the tanks that were used were steam cleaned and inspected prior to use at Shiprock,” the company stated. “Triple S Trucking will continue to work cooperatively to investigate this complaint about contamination of the agricultural water.”

### **KSFR Santa Fe Public Radio (NM)**

<http://ksfr.org/post/august-21-new-mexico-ahead-colorado-mining-reform-new-proposals-could-set-us-back#stream/0>

## **August 21 - New Mexico Ahead Of Colorado In Mining Reform, But New Proposals Could Set Us Back**

By MARION COX

8/21/15, 3:38 PM EST

[Listen to story online]

Government officials and southwestern residents last week observed the copper colored toxic spill as it made its way down the Animas River from Colorado and through New Mexico. There is extensive finger pointing as to who is responsible for the accidental release of more than three-million gallons of heavy metal sludge. Yet the conditions that set the stage for this mishap have been in the making for decades - and those conditions are very different in Colorado from what exists today in New Mexico.

KSFR's Marion Cox spoke with Amigos Bravos Interim Executive Director Rachel Conn about why New Mexico may be in a better place - for the moment - than Colorado to make sure mining disasters, such as the Gold King Mine incident, don't occur here. Conn warns however that New Mexico still faces major challenges in protecting its precious groundwater and surface water resources due to new legislative and regulatory initiatives the Martinez Administration is currently pursuing that would weaken protections we currently have - and that have been in place in New Mexico for decades.

**From:** Bressler, Lindsey  
**Sent:** Friday, August 21, 2015 1:55 PM  
**Subject:** RE: CO Mine Spill Clips - 8/21

**CBS Denver Channel 4 (CO)**

<http://denver.cbslocal.com/2015/08/21/waste-from-gold-king-mine-used-to-run-through-treatment-facility-dispute-over-origination/>

**Waste From Gold King Mine Used To Run Through Treatment Facility, Dispute Over Origination**

August 21, 2015 10:31 AM

SILVERTON, Colo. (CBS4) – The town of Silverton is built on mining. At the Brown Bear Café, a photo of the Gold King sits prominently as a testament to its proud past and unfortunate present.

The current owner of Gold King Mine, Todd Hennis, says he never should have let the EPA into his mine.

“If we hadn’t done that we wouldn’t be here today,” said Hennis.

The portal we visited is now a cavity after the EPA’s dirt and timber plug gave way, sending millions of gallons of toxic water into the Animas River.

Steve Fearn is a former Gold King owner, who says the EPA did not properly manage the leak.

“The best way they could have set a drill up above it and drilled into the tunnel, they have maps,” Fearn said.

Hennis has maps too, which he insists shows the water gushing from his mine may have originated with a nearby mine, the Sunnyside.

The mine water used to flow through a treatment facility, but that was shut down several years ago. Bulkheads were installed to prevent the toxic water from coming out

When asked if the blowout would have occurred if that facility was still in use, Hennis said “No. There would be no water backed up in the mountain, it would be treated.”

CBS4's Rick Sallinger with Gold King Mine owner Todd Hennis on Aug. 18, 2015 (credit: CBS)

CBS4's Rick Sallinger with Gold King Mine owner Todd Hennis on Aug. 18, 2015 (credit: CBS)

Hennis claims there is much more water trapped inside.

“That will cause a flow, like this occurred in one hour, for months and months. we haven't seen anything,” he said.

The owner of the Sunnyside Mine, Kinross Gold, issued a statement saying..

“The representative of gold king mine has made numerous baseless allegations against Sunnyside ... there is no connection between the workings of the two mines.

An EPA fact sheet provided to CBS4 by Hennis reads, “After the Sunnyside closed, water found natural fractures that allowed it to flow into the Gold King and other mines.”

Tests could potentially show where the water originated.

### **Daily Caller**

<http://dailycaller.com/2015/08/21/epa-chief-plans-japan-trip-as-congress-demands-she-answer-for-the-toxic-mine-spill/>

## **EPA Chief Plans Japan Trip As Congress Demands She Answer For The Toxic Mine Spill**

MICHAEL BASTASCH

12:29 PM 08/21/2015

EPA Administrator Gina McCarthy announced she'll be traveling to Japan later this month to talk about global warming just as Congress is demanding she testify about the agency-caused toxic waste spill in Colorado that happened earlier this month.

“After spilling millions of gallons of toxic chemicals into the Animas River, the EPA has an obligation to be forthcoming about what went wrong and potential long-term impacts on local communities,” Texas Republican Rep. Lamar Smith said in a release, demanding McCarthy appear before the House science committee to answer lawmakers’ questions about the spill.

About two weeks ago, EPA workers using heavy equipment to stem wastewater from leaking out of the Gold King Mine in Colorado broke a water-retention wall and unleashed three million gallons of toxic waste, including arsenic and lead, into the Animas River.

The bright orange toxic plume released by the EPA has traveled hundreds of miles into New Mexico and Utah, contaminating river water and forcing locals to rely on EPA shipments of water for drinking and irrigation. The agency says water quality has returned to pre-spill levels, but state officials have urged locals not to drink the river water as they assess the long-term impacts of the mine waste.

Congress has already demanded the EPA give regular updates on the spill cleanup efforts, and the EPA inspector general’s office has launched an investigation into how the spill occurred and the agency’s response. But that’s not enough, and now lawmakers want McCarthy herself to answer for the spill.

“Weeks after the spill, families and businesses who depend on the Animas River continue to deal with uncertainty and limited information,” Smith said. “As the agency entrusted by the American people to protect the environment and ensure the nation’s waters are clean, the EPA should be held to the highest standard. The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again.”

The hearing is set to take place in early September, about 10 days after McCarthy is set to return from Japan, where she’ll be talking with Japanese officials about international efforts to curb air pollution and carbon dioxide emissions. She’ll host a tea with female environmentalists in the country.

McCarthy is also set to talk about the agency's Clean Power Plan, likely in an effort to show Japanese officials the U.S. is serious about tackling global warming. The Obama administration wants to convince other countries to sign a global deal to fight global warming at the United Nations climate summit in Paris later this year.

McCarthy's trip to Japan occurs while tensions flare between federal officials and locals living along spill-affected waterways. Navajo Nation has filed suit against the Obama administration over the spill and now claims the agency was supplying tribal members with tainted irrigation water.

State officials are also furious with the EPA over the spill and demand the agency be held accountable for dumping toxic waste into rivers. At least one Utah lawmaker has suggested the EPA intentionally spilled waste from the Gold King Mine to get the area declared as a Superfund site.

State attorneys general were also frustrated with the EPA for not sharing certain information about the spill, including the federal contractor working on the mine when the waste was released. Eventually, the identity of the contractor was made public by The Wall Street Journal, not the EPA.

The EPA says that water quality levels have returned to pre-spill conditions in New Mexico, but state officials are wary about the long-term effects the spill will have on public health.

### **Daily Caller**

<http://dailycaller.com/2015/08/21/did-epa-give-navajo-nation-tainted-water/>

### **Did EPA Give Navajo Nation Tainted Water?**

MICHAEL BASTASCH

11:46 AM 08/21/2015

In the wake of the Gold King Mine spill, EPA officials have been supplying Navajo Nation farmers and livestock herders with water so they don't have to use river water, which could contain toxic mine waste.

But now, Navajo tribesmen are claiming the water the EPA is giving them is tainted with a black, oily substance.

"I was astounded," Navajo Nation President Russell Begaye told The Guardian. "I couldn't believe there were black oily streaks in the water."

Begaye reportedly filled a cup with the EPA-delivered water three or four times to make sure it was okay. He told The Guardian that when he "ran water from the intake valve, his hand was reportedly coated with oil and grease."

The allegedly tainted water was delivered to Navajo farm representative Joe Ben, Jr. on Aug. 14, about nine days after the Gold King Mine spill occurred. Ben rejected the water, saying there were signs it was contaminated. The EPA didn't like his answer and told Begaye that Ben was "an unstable individual" who was "agitating."

But when Begaye tested the water himself, he saw signs of contamination and sharply criticized the EPA for trying to make Ben seem unhinged and trying to sow discord between the tribe and government officials.

"I couldn't believe what I was seeing," Begaye said. "I couldn't believe the EPA's higher-ups basically told me a lie."

Begaye said the contractor used by the EPA to deliver water to Navajo irrigation pumps that was

stored in “barrels... allegedly used in fracking operations,” The Guardian reports. The EPA said the barrels had been thoroughly cleaned, but Begaye disagrees.

“We don’t trust the EPA,” he said, noting that the supposedly tainted water had been given to some livestock and used by some farmers to water their crops. Many Navajo are subsistence farmers and could lose everything if their crops are contaminated.

“Now they are likely to lose all of that,” Begaye told The Guardian.

This is not Begaye’s first showdown with the EPA over the Gold King Mine spill. The Navajo president is also suing the Obama administration over the spill, and claims the government was trying to swindle tribal members out of being compensated for future spill damages.

On Aug. 5, EPA contractors working to stem the flow of mine wastewater from abandoned mines near Silverton, Colorado accidentally unleashed 3 million gallons of toxic metals and other pollutants into the Animas River. The bright orange toxic plume flowed for hundreds of miles through the San Juan River — which goes through Navajo Nation — and to Lake Powell, Utah.

EPA officials have said that water in New Mexico has returned to pre-spill levels, including water running through Navajo lands. But tribal members and locals are hesitant to trust the EPA’s claims.

State officials are also skeptical of the EPA’s claims that river water has returned to pre-spill levels of toxicity. Experts are still trying to figure out the long-term impacts of the spill, and think the EPA is downplaying the negative impacts of spilling millions of gallons of mine waste.

“We are concerned about this particular sediment load given how the various constituents in the sediment may continue to affect the stream,” Colorado health officials said in a statement to The Associated Press.

Officials noted that there's "ongoing potential for those [private] wells to be affected as the sediment migrates into the groundwater table."

Environmental regulators in Utah said water quality tests suggest there was minimal health risks with using San Juan River water. Officials, however, said that while they are trying to determine the long-term effects of the spill, people should not drink the water and should minimize their contact with river dirt and sand.

### **The Hill**

<http://thehill.com/policy/energy-environment/251658-house-committee-schedules-first-hearing-on-mine-spill>

### **House committee schedules first hearing on mine spill**

By Devin Henry

08/21/15 12:50 PM EDT

A House committee has scheduled the first congressional hearing on this month's toxic waste spill in Colorado.

The Science, Space and Technology Committee has asked Environmental Protection Agency (EPA) administrator Gina McCarthy to testify on Sept. 9 about the spill.

Chairman Lamar Smith (R-Texas) said the EPA "has an obligation to be forthcoming about what went wrong" in Colorado.

A team of EPA contractors inspecting an abandoned mine inadvertently released 3 million

gallons of toxic sludge into Colorado's Animas River on Aug. 5. The waste eventually spread to the San Juan River in New Mexico.

Water quality has since returned to pre-accident levels, the EPA says, and the rivers have reopened. But the incident has provided fodder for lawmakers and led to calls for congressional inquiries.

"Weeks after the spill, families and businesses who depend on the Animas River continue to deal with uncertainty and limited information," Smith said in a statement.

"As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard. The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again."

The House Natural Resources Committee and the Senate Environment and Public Works Committee have both promised their own hearings on the accident.

The EPA's inspector general is looking at the spill, and the Interior Department's Bureau of Reclamation is leading a separate investigation into the accident.

### **Washington Examiner**

<http://www.washingtonexaminer.com/house-panel-to-hold-hearing-on-epas-role-in-toxic-spill/article/2570611>

### **House panel to hold hearing on EPA's role in toxic spill**

By JOHN SICILIANO

8/21/15 12:52 PM

The House science committee will hold hearings in September to probe the Environmental Protection Agency's role in causing the huge toxic waste spill earlier this month in the West.

The Science, Space and Technology Committee is requesting that EPA Administrator Gina McCarthy testify at the hearing, which is scheduled for Sept. 9, just days after returning from the August congressional recess.

Republican Chairman Lamar Smith of Texas said Friday that the EPA has "an obligation to be forthcoming about what went wrong and potential long-term impacts on local communities."

The EPA caused a toxic yellow plume of lead, mercury and other heavy metals to spill into the river systems of Colorado, New Mexico and Utah earlier this month. An EPA contractor ruptured a containment wall at an abandoned gold mine in Colorado, releasing millions of gallons of toxic sludge into the Animas River.

Smith says that weeks after the spill, "families and businesses who depend on the Animas River continue to deal with uncertainty and limited information."

"As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard," he said. "The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again."

Earlier this week, the agency's inspector general started an investigation into the spill. Both Democrats and Republicans have criticized EPA for both the spill and for its lackluster response.

Local and state authorities said it was hard to communicate with agency officials to coordinate a response effort.

The Democratic delegation from New Mexico urged McCarthy to travel to Colorado to personally oversee the response effort after hearing from state officials that the EPA had been unresponsive. McCarthy agreed to join the spill response effort early last week after being nudged by the lawmakers.

EPA on Thursday said the San Juan River in New Mexico had returned to pre-spill conditions, about a week after the agency confirmed that the highest concentrations of pollutants had dissipated in the Animas River. States and others say it will take years, and potentially billions of dollars, to clean up river sediment that has absorbed the heavy metals.

### **Washington Times**

<http://www.washingtontimes.com/news/2015/aug/21/gina-mccarthy-called-testify-animas-toxic-spill/>

### **House Science Committee chair calls on EPA's McCarthy to testify on toxic spill**

By Valerie Richardson

Friday, August 21, 2015

The chairman of the House Science, Space, and Technology Committee called Friday on EPA administrator Gina McCarthy to testify before the panel on the Animas River wastewater spill triggered by an EPA-led crew.

The hearing, scheduled for 10 a.m. ET on Wednesday, Sept. 9, represents the first congressional hearing announced so far on the devastating spill, although at least two other House committees and a Senate committee are considering taking action.

Ms. McCarthy has apologized on the agency's behalf after EPA contractors accidentally uncorked three million gallons of toxic orange sludge from the Gold King Mine near Silverton, Colorado, which quickly spread to northern New Mexico and the Navajo Nation.

"After spilling millions of gallons of toxic chemicals into the Animas River, the EPA has an obligation to be forthcoming about what went wrong and potential long-term impacts on local communities," said Rep. Lamar Smith, Texas Republican, who chairs the committee.

The agency has come under fire for waiting 24 hours before notifying state and local authorities about the Aug. 5 blowout at the inactive mine.

"Weeks after the spill, families and businesses who depend on the Animas River continue to deal with uncertainty and limited information," Mr. Smith said in a statement. "As the agency entrusted by the American people to protect the environment and ensure the nation's waters are clean, the EPA should be held to the highest standard."

"The Science Committee needs to hear from the EPA about steps it is taking to repair the damage and to prevent this from ever occurring again," he said.

The mine continues to leak about 600 gallons of orange wastewater per minute, which is being captured in sediment pools and treated before being released, according to EPA officials.

**From:** Bressler, Lindsey  
**Sent:** Friday, August 21, 2015 11:50 AM  
**Subject:** RE: CO Mine Spill Clips - 8/21

### **The Blaze**

<http://www.theblaze.com/stories/2015/08/21/navajo-nation-says-relief-water-sent-from-epa-after-toxic-spill-was-tainted-see-the-videos/>

## **Navajo Nation Says Relief Water Sent From EPA After Toxic Spill Was Tainted — See the Videos**

Aug. 21, 2015 8:33am

Liz Klimas

With its farmers advised to avoid using water from the San Juan River for weeks after a toxic spill of wastewater from an inactive mine contaminated it and the Animas River, federal officials arranged to send relief water to members of the Navajo Nation.

However, some members say that the water delivered to them was tainted.

Shiprock farm board member Joe Ben Jr. complained that water coming from tanks delivered by a contractor employed by the U.S. Environmental Protection Agency contained oil and didn't smell right.

Begaye told KOB-TV that the EPA had said the tanks held "only clean water for drinking."

"Clearly it is just a lie. Clearly, it is an oil tank. That's what it is," the tribal leader told the news station.

Begaye and Navajo Attorney General Ethel Branch went to Shiprock to look at the tanks a day after farmers voted to reject the water, posting videos on Facebook of their examination.

"That is clearly oil," Branch said. "We don't trust the EPA to be here. They need to get out of our nation, send the dollars directly here. Let us take care of these issues ourselves because we care about the health and welfare of our people."

According to KOAT, the Navajo Nation seized the tanks and tribal spokesman Mihio Manus said tribal officials were testing the water.

The EPA said it would provide an alternate water source from within the reservation but didn't directly address questions regarding the holding tanks. One EPA contractor, Triple S Trucking, said the tanks were cleaned before being delivered to the reservation.

The EPA did not immediately respond to TheBlaze's request for comment on the relief water, but in a statement told KOB the trucks from the contractor were "team cleaned and inspected prior to use at Shiprock." The contractor, Triple S Trucking, told the news station it was working with the EPA to investigate the complaint.

KOB reported that as of Thursday the Bureau of Indian Affairs was supplying water from the Navajo Dam through the company Navajo Agricultural Products, Inc.

Federal and tribal officials said the water quality levels in the San Juan River had returned to pre-spill conditions, according to recent tests. Begaye said Thursday he would now consider lifting an advisory against using the river to water crops.

The EPA said testing of surface water collected over a week in Hogback, New Mexico, showed water quality at the same levels as those measured before the mine waste reached the reservation. The agency has taken full responsibility for the Aug. 5 spill at the Gold King Mine.

EPA Administrator Gina McCarthy and Begaye spoke Wednesday about water quality in the river and agreed to have EPA cease water deliveries Friday for agricultural use on the reservation, the EPA and Manus said. The agency said it would work with the Navajo Nation on a monitoring plan for the river.

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The Associated Press contributed to this report.

### **The Guardian**

<http://www.theguardian.com/environment/2015/aug/21/navajo-nation-epa-contaminated-water>

### **Navajo leader feels betrayed by EPA over 'contaminated' water supply**

Taflin Laylin

Friday 21 August 2015 08.12 EDT Last modified on Friday 21 August 2015 10.18 EDT

The president of the Navajo Nation said he feels betrayed that water supplied by the Environmental Protection Agency appeared to be tainted with a black oily substance.

The water was delivered by the EPA to Shiprock, New Mexico, on Friday 14 August, to sustain agricultural operations and livestock after an EPA accident released a toxic plume from Gold King Mine into their natural water supply.

When the water arrived, Joe Ben Jr, a representative of Shiprock's farm board, said he rejected it after noting signs of contamination.

EPA officials told the Navajo president, Russell Begaye, that Ben is "an unstable individual" who was "agitating" – potentially to achieve some kind of political edge in the escalating discord between the EPA and the Navajo nation, according to Begaye.

The officials reported feeling threatened and subsequently evacuated all EPA personnel from Navajo territory, according to Begaye.

Begaye said he initially did not question the EPA's assurances.

But when he arrived in Shiprock and inspected the water for himself, he saw black objects floating in the water. When he squeezed them, he said they turned into a greasy streak.

"I was astounded," Begaye told the Guardian by phone on Thursday. "I couldn't believe there were black oily streaks in the water."

He said he filled up a cup three or four times to be sure, and each time, the same oily black spots appeared in the water. When he ran water from the intake valve, his hand was reportedly coated with oil and grease.

"I couldn't believe what I was seeing," he added. "I couldn't believe the EPA's higher-ups basically told me a lie."

The EPA contracted Triple S Trucking, which is part of the Aztec Well family of companies that services the oil and natural gas industry, to deliver the water while irrigation pumps that normally deliver water from the San Juan river are shut down pending water quality assessments.

Ben said he requested certification from Triple S Trucking and the EPA that the barrels used to store the water, allegedly used in fracking operations, had been thoroughly cleaned. But no such report was forthcoming, Ben said.

In a prepared statement, the EPA reported that Triple S claimed to have steam-cleaned and inspected tanks prior to delivering water sourced from the Bloomfield Utility Department in New Mexico for use at Shiprock.

The agency also promised to explore the Navajo Nation's allegations.

“The US EPA will work closely with Navajo Nation authorities to investigate a recent complaint about water contamination in one tank provided by US EPA for agricultural purposes in the Shiprock, New Mexico area,” the report said.

At the president’s behest, Navajo police seized three of the tanks to use as evidence, and independent analysis of the water quality is being sought.

“It is not the normal conduct of our community to challenge the government,” Ben told the Guardian. “But I was brought on board to protect the natural resources of the Navajo Nation.”

Begaye said some farmers, out of desperation, gave their animals some of the water to drink and irrigated crops such as alfalfa, watermelon and corn.

As a result, he said crops and Navajo land are now tainted with the oily substance.

Navajo farmers have just five months to raise crops for subsistence or barter. This yield has to support them and their families for the entire year.

“Now they are likely to lose all of that,” Begaye said.

The incident builds on mistrust among the Navajo community. Since a toxic spill delivered mine waste containing high levels of lead, arsenic and other heavy metals, to waterways from Colorado’s Animas river to the San Juan river that passes through Shiprock, Begaye has expressed public outrage at the EPA’s inconsistent public information about the spill.

In a video posted on his Facebook page earlier this week, Begaye said he would not drink the water in Cement Creek near Gold King Mine despite assurances it was safe, after he dipped a cup in the creek and brought out yellow-colored water.

In another video posted on his Facebook page from Shiprock on Wednesday, Begaye demonstrates how his finger became streaked in black when he wiped an opening to one of the water tanks.

“This is what they expect our animals to drink?” he asked.

Following data collected from 7 to 15 August near Hogback, New Mexico, the EPA says the San Juan river’s water quality in the Navajo Nation has returned to pre-spill conditions.

“EPA Administrator Gina McCarthy and Navajo Nation President Russell Begaye had a productive phone conversation on August 19 to review water quality data,” the statement reads.

Begaye announced on Thursday that he would reopen the river on Saturday. But he says his decision was based on data collected by the Navajo Nation’s own environmental protection agency.

He wants to reassure Navajo farmers the agency will continue to closely monitor three different irrigation systems for signs of heavy metals once the river is reopened, and will immediately shut them down if necessary.

“We don’t trust the EPA,” he said.

### **KSFR Santa Fe Public Radio (NM)**

<http://ksfr.org/post/august-21-first-news-nm-concerned-long-term-effects-spill-feds-downplay-them-listen#stream/0>

## **August 21 First News: N.M. Concerned With Long-Term Effects Of Spill; Feds Downplay Them (Listen)**

By TOM TROWBRIDGE

8/21/15, 9 AM EST

[Listen]

More than two weeks after a mine spill fouled waterways in several Western states, officials are expressing concern over the long-term effects of contaminated river bottoms as the federal agency that triggered the accident downplayed the dangers. U.S. Environmental Protection Agency workers released more than 3 million gallons of contaminated water Aug. 5 while working at an inactive mine site near Silverton, Colorado. Poisons including lead and thallium have been detected in sediment samples collected from the Animas River. The river travels from Colorado into northern New Mexico, joining the San Juan River before emptying into Utah's Lake Powell. The EPA has said the contamination is returning to pre-spill levels as the plume passes. But officials in Colorado, New Mexico and Utah cite potential harm to private drinking wells and river life.

The last time New Mexico's drought levels were this low was in January 2011, more than four years ago. The U.S. Drought Monitor report released Thursday shows severe drought has disappeared from the state, leaving behind lesser levels of dryness in the western half of New Mexico. Just one year ago, severe and extreme drought conditions covered more than two-fifths of the state. Forecasters with the National Weather Forecast say isolated showers and thunderstorms are expected to develop Friday afternoon along and west of the central mountain chain. The chance for more rain will increase Sunday thanks to a backdoor cold front entering the state.

Federal officials say the quality of San Juan River water on the Navajo Nation has returned to what it was before a spill at a Colorado gold mine sent toxic sludge into the waterway. The U.S. Environmental Protection agency says that's based on a review of data collected over a week near Hogback, New Mexico. Tribal spokesman Mihio Manus said Thursday that President Russell Begaye is considering lifting the tribe's advisory against using river water for irrigation on Saturday. The EPA says it will provide technical assistance. Manus says the tribe has completed its own testing of the San Juan River but did not immediately release the results.

### **St. George News (UT)**

<http://www.stgeorgeutah.com/news/archive/2015/08/20/mgk-utah-attorney-general-others-visit-gold-king-mine-spill-site/#.VddHMPiVhHw>

## **Utah attorney general tours Gold King Mine spill site**

Written by Mori Kessler

August 20, 2015

ST. GEORGE – Utah Attorney General Sean Reyes, along with Colorado’s attorney general and other officials from both states, took a fact-finding tour of the site Wednesday where 3 million gallons of toxic mine water spilled into the Animas River on Aug 5. Filled with heavy metal contaminants, the spill eventually reached the San Juan River and Lake Powell last week.

“I’ve always made it a practice in all of my cases, especially one of this magnitude, to go to the site to get a true understanding and appreciation of the dynamics of what occurred,” Reyes said in a phone conference Wednesday.

The tour of the origin point of the spill – the Gold King Mine near Silverton, Colorado – was a unique opportunity, Reyes said, as the Environmental Protection Agency has thus far only allowed a handful of other federal, state and Native American officials to visit it.

“There was a large, gaping hole, and I won’t even guess at the dimensions, and some of the debris from whatever was holding back the water,” Reyes said as he described the release site.

Some water was still pouring out of the hole, which the EPA had diverted toward various pools for treatment.

The toxic spill was accidentally triggered by EPA and contracted work crews earlier this month.

During the conference call, Reyes said the spill was possibly caused by the EPA’s attempt to measure the depths of the wastewater in the mine. EPA officials on-site wouldn’t comment on the matter due to an investigation into the spill that is being conducted by the Department of the Interior. However, some state officials said they believe that to be the case.

While there have been accusations that the EPA deliberately caused the toxic spill, Reyes said: “Currently we don’t have any evidence that supports a purposeful release.”

He further said: “Part of the reason we came here was to separate myth from fact. ... I actually asked (the EPA workers) point-blank if they were aware of any evidence that might support the suspicion people have about purposeful motives, and they categorically denied any of that.”

Still, senators from the three states impacted by the spill – Utah, New Mexico and Colorado – are

not happy with how the EPA has handled the situation. They sent a letter to the White House Monday demanding the agency be more transparent and efficient in its cleanup efforts. They also demanded that the EPA ensure state and local governments will be compensated for damages caused by the agency's mishap.

A second letter from the six senators was sent to EPA Inspector General Arthur Elkins Wednesday, asking him to address 13 questions related to the spill, including: "whether the EPA followed its own legal obligations, policies, and guidelines in the run up and aftermath of the spill," according to a press release from the office of Utah Sen. Mike Lee.

"The chronic, long-term concern is: What will be the effect over years, decades on our communities in Lake Powell, and (San Juan and Kane) counties, as people recreate and people also try to make a living agriculturally?" Reyes said.

While the San Juan River has been cleared by the state for agricultural use, the heavy metals brought with the spill have settled on the river bottom. On the lake bottom, in the case of Lake Powell, Reyes said, there's still a significant amount of lead, arsenic, zinc, mercury and cadmium left behind.

"These metals are toxic to trout and other species in the concentration we believe may exist," the attorney general said.

As for the short-term impacts of the spill, he said:

It disrupted and halted recreation, swimming, boating, fishing. It's impacted irrigation, farming and ranching, tourism and our recreation-based economy.

As for who will pay bill for potential damages, Reyes said, his office is looking into potential legal action.

"Who pays the costs for that? How is that going to get taken care of?" he said. "I don't think the state of Utah should bear that cost much, if at all."

**From:** Bressler, Lindsey  
**Sent:** Friday, August 21, 2015 10:09 AM  
**Subject:** RE: CO Mine Spill Clips - 8/21

**Associated Press (via ABC News)**

<http://abcnews.go.com/Technology/wireStory/epa-downplays-dangers-mine-spill-concerns->

## EPA Downplays Dangers of Mine Spill, but Concerns Linger

Aug 20, 2015, 7:55 PM ET

By MATTHEW BROWN Associated Press

More than two weeks after a mine spill fouled waterways in several Western states, officials expressed concern Thursday over the long-term effects of contaminated river bottoms as the federal agency that triggered the accident downplayed the dangers.

U.S. Environmental Protection Agency workers released more than 3 million gallons of contaminated water Aug. 5 while investigating an inactive mine site near Silverton, Colorado. The spill prompted the shutdown of public drinking-water systems and left rivers in the region tinged a disturbing yellow-orange color that has since faded.

The EPA said in recent days that poisons including lead and thallium have been detected in river sediment samples collected from the Animas River, which travels from Colorado into northern New Mexico, joining the San Juan River before emptying into Lake Powell along the Utah-Arizona border.

In Colorado, contaminants exceeding drinking-water standards were found in seven private wells out of more than 100 tested, according to the EPA. Details on what contaminants were found and at what concentrations were not disclosed. Officials said Thursday that they would continue to investigate the wells, but noted that it was not clear if the spill was to blame.

EPA officials have repeatedly said sediment contamination was returning to pre-spill levels and no longer threatens recreational river users on the upper Animas or water treatment plants.

But state health officials were more cautious as they attempted to nail down the potential for long-term damage to private drinking wells and aquatic life, from the heavy metals and other

contaminants that dropped out of the passing plume.

Experts warn that sediments could be stirred up from river bottoms by storms or during the annual spring runoff, when snow at high elevations in the Rocky Mountains melts.

The sediment contains thallium, a naturally occurring metal that can cause hair loss and kidney or liver problems, as well as lead, which can delay mental development in children.

"We are concerned about this particular sediment load given how the various constituents in the sediment may continue to affect the stream," Colorado health officials said in a statement released by Jan Stapleman, spokeswoman for the state Department of Public Health and the Environment.

The officials added that there was "ongoing potential for those (private) wells to be affected as the sediment migrates into the groundwater table." It could take years to gather enough data to accurately gauge the extent of problems for fish and other aquatic life, they said.

In Utah, scientists from the state Department of Environmental Quality said tests to date suggested the water in the San Juan River presents little health risk to users. Agency officials said they were turning to a long-term monitoring strategy focusing on sediment and what, if any, steps can be taken to deal with it.

In the interim, Utah health officials warned river visitors not to drink the water and to minimize contact with dirt and sand.

In New Mexico, environmental regulators monitoring the sediment said the threat it posed was an "open question" that required long-term investigation.

After tumbling from the heights of Colorado's Rockies, the Animas slows as it enters New Mexico, allowing more sediment to drop out of the water column and onto the river bottom, said

Bruce Yurdin, a water quality expert with the New Mexico Environment Department.

Contaminants can be taken up by insects living on the bottom, which are then consumed by fish and ultimately by people fishing on the popular waterway.

Yet it could be difficult to distinguish problems caused by the EPA's spill from the long history of contamination flowing from upstream mines, Yurdin said.

Thirty-eight private water wells have been sampled in New Mexico, according to the EPA. Results of those tests were not provided.

Arizona wildlife officials planned to test the tissue of fish from Lake Powell for potential contaminants.

Despite repeated requests from The Associated Press, the EPA has not released further information on the pre-spill contamination levels in the Animas and San Juan rivers, which would shed light on how much things have changed.

EPA spokeswoman Lisa McClain-Vanderpool said the agency planned to release more information on sediments soon.

Navajo President Russell Begaye visited Silverton over the weekend and poured water over sediment settling on the banks of the river. He watched as yellowish sediment flowed over the rocks and downstream.

"These are things I'm concerned about, is what happens when the rain comes," Begaye said in a video posted on his office's Facebook page.

Tribal spokesman Mihio Manus said the president was considering lifting an advisory Saturday against using the San Juan River for irrigation. The EPA planned to end water deliveries for agriculture to the reservation on Friday.

The Interior Department, which is conducting an independent review of the spill at the EPA's request, said Thursday that it expects to deliver a final report by late October.

The probe will be overseen by Interior's Bureau of Reclamation.

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Associated Press writer Felicia Fonseca in Flagstaff, Arizona, contributed to this report.

**Associated Press (via KTAR News, AZ)**

<http://ktar.com/2015/08/20/officials-phoenix-area-river-water-quality-normal-after-toxic-mine-spill/>

**Officials: Phoenix-area river water quality normal after toxic mine spill**

August 20, 2015 @ 6:27 pm

FLAGSTAFF, Ariz. — The quality of San Juan River water on the Navajo Nation has returned to what it was before a spill at a Colorado gold mine sent toxic sludge into the waterway, federal officials said Thursday.

The testing by the U.S. Environmental Protection Agency along with that of the Navajo EPA has prompted tribal President Russell Begaye to consider lifting an advisory against using the river to water crops.

Begaye has said he would not advise hundreds of farmers on the Navajo Nation to do so until the tribe's own testing declared the river safe.

Those results will be provided at a meeting later in the day with farmers in Shiprock, New Mexico, tribal spokesman Mihio Manus said.

The U.S. Environmental Protection Agency said testing of surface water collected over a week in Hogback, New Mexico, showed water quality at the same levels as those measured before the mine waste reached the reservation. The agency has taken full responsibility for the Aug. 5 spill at the Gold King Mine.

Manus said Begaye will talk with farmers about flushing irrigation canals and possibly opening them up this weekend. The EPA said it will provide technical assistance.

Hundreds of Navajos farm along the San Juan River grow squash, melons, corn and other crops to sustain their families and to sell at roadside stands and a tribal fair in October in Shiprock.

After the spill, federal agencies, including the EPA and the U.S. Bureau of Indian Affairs, arranged for water to be hauled to tribal communities and hay to be delivered for livestock.

Not all the water has been welcomed.

Shiprock farm board member Joe Ben Jr. complained that water coming from tanks delivered by an EPA contractor contained oil and didn't smell right.

Begaye and Navajo Attorney General Ethel Branch went to Shiprock to look at the tanks a day after farmers voted to reject the water. Branch and Begaye placed their hands inside the area where hoses hook up to the tanks, and their hands came out partially black, according to a video the president's office posted on its Facebook page.

"That is clearly oil," Branch said. "We don't trust the EPA to be here. They need to get out of our nation, send the dollars directly here. Let us take care of these issues ourselves because we care about the health and welfare of our people."

Manus said tribal officials were testing the water from three of the tanks that were being held by tribal police.

The EPA said it would provide an alternate water source from within the reservation but didn't directly address questions regarding the holding tanks. One EPA contractor, Triple S Trucking, said the tanks were cleaned before being delivered to the reservation.

EPA Administrator Gina McCarthy and Begaye spoke Wednesday about water quality in the river and agreed to have EPA cease water deliveries Friday for agricultural use on the reservation, the EPA and Manus said. The agency said it would work with the Navajo Nation on a monitoring plan for the river.

Ben said he wouldn't support a return to using the canals to water crops because not enough is known about the impact to the soil.

Messages left with farm board members in Hogback and Cudeii, two other tribal communities where farmers rely on river water, weren't immediately returned.

"The testing that was done was surface testing, no subsurface testing, also sediment testing," Ben said. "And never any information about the long-term and short-term effects of these toxins in our water."

New Mexico environment officials said Thursday they are planning another water-testing fair for residents next week and the results from previous tests have been mailed to about 570 private well owners.

While those tests didn't focus on heavy metals, officials said the results of more extensive testing of more than 100 wells in the Animas valley will be released by the EPA in the coming weeks.

### **The Atlantic**

<http://www.theatlantic.com/national/archive/2015/08/a-river-runs-yellow/401966/>

### **A River Runs Yellow**

Colorado's Animas River may be returning to its natural hue, but it is the trout that will indicate how lasting the damage will prove to be.

RICHARD PARKER

8/21/15, 6:03 AM ET

DURANGO, Colo.—Somewhere beneath the turbid, rushing waters of the Animas River are the trout, finning against the current.

After some 3 million gallons of toxic mine water spilled into this big, western river, the economic costs are being tallied by farmers, fly fishing shops, and bankers. Politicians are pointing fingers at each other. It is no accident that federal and Colorado officials have tried to put the best face on disaster. The former actually triggered the incident and the latter have a tourist season to save.

While the Animas disaster avoided immediate and catastrophic results, the ultimate ecological price tag will take longer to figure. The river moves so fast that it swept obvious toxins downstream quickly. Yet the long-term toxicity reached hundreds and, in some cases, thousands of times over what is considered safe for the life beneath the river's surface. That price will be silently calculated over months and years—by the trout.

Summer in the southern Rocky Mountains means many different things to tourists and locals—but to both, it means trout. These swift creatures can be caught by hook, line, and lowly worm or elite dry fly. The road trip to doing so is half the fun of summer, as Colorado author John Gierach wrote: “Just to be on the road is good in a deep American way but to be on the road going fishing is almost too good for words.”

But by hanging over a boulder or bridge, trout can be observed, too. They are perfect creatures of their habitats, apex predators in a crystalline world of insects, dace, and crayfish. Trout are flawlessly hydrodynamic, with bullet-shaped snouts and skin so smooth that scales seem to vanish. They hover patiently behind rocks, dart into the swift current for food, or push upstream against massive currents.

Far more than a sportfish, the trout is a living filter, a sample, of the river itself.

It not only rakes hyper-oxygenated water over its gills but soaks up the river itself through the permeable membranes of its body. At the Glenwood fish hatchery in New Mexico, a second-generation hatchery worker, Laura Lee Hammer, explained how too much carbon from an old forest fire can kill. An unusual bloom of nitrogen will cause fish to crowd a raceway to avoid contact, she said: “They’re like sheep that way.” The hatchery assiduously maintains pH levels between 6.0 and 9.0 of acidity.

Yet across the West, thousands of old mines hang like chemical swords of Damocles over the clear, rushing world of the trout. The mine above Durango, Colorado—the Gold King—that spilled its contents earlier this month was shuttered in the 1920s. The mine is just one among 500,000 in the United States. The cost of cleaning them up fewer than 200 hardrock mines alone is estimated between \$24 and \$54 billion.

But no one—no humans anyway—wants to pay those bills directly, or even indirectly. So, some 50,000 mines linger in a federal backlog, namely in the West, and only one in 10 of these has been repaired. Old mine owners have vanished into history and new owners say they have no responsibility for what took place years ago. In Washington, the mining industry has even sought federal indemnity from future lawsuits.

Yet even before this disaster, the Gold King spelled trouble. The creeks connecting it to the Animas were frequently polluted as water interacted with toxic chemicals which, in turn, leached heavy metals from the rock. The Gold King was such trouble it was a candidate for federal Superfund dollars. But a coalition of local interests reportedly didn't want the stigma that came with federal money; it might frighten off tourists and their money.

After all, the town and the river that ran through it made for a spectacular scene. Big waters teemed with rainbow, cut throat and brown trout just off, say, 32nd Street, a fishery so good that anglers would travel from all over the world. Nearly 100 feet wide in places, the water muscled its way over giant rocks and down into deep holes, so abundant with trout that the state awarded the river its coveted gold metal fishery status.

But trouble appeared last year and it was the trout that told it. Some fish, about 120,000 in recent years, were stocked and some were wild. In 2014, though, state game officials found that the population of fish—particularly young, wild browns, which are perfect monitors of a river's health—had actually declined. This was the first time in nearly 20 years that the river did not meet the state's gold-medal standard. And while the precise cause wasn't clear the eyes of local conservationists turned upward toward the Gold King, by then a troubled wastewater treatment operation poisoning creeks.

Yet nothing was done. So, when a government contractor for the Environmental Protection Agency accidentally breached the Gold King's water on August 5, the giant orange bloom horrified residents and tourists alike. Santa Fe photographer Tim Harman witnessed the bloom from a nearby roadside, recalling: "I just wanted to cry."

In contrast, federal officials were quick to declare that the river was rapidly returning to normal as the visible effects swiftly moved downstream. Of course, that is what big rivers do: They push things downstream. The Animas normally flows at over 500 cubic feet per second. What is left

behind, however, will not be measured as quickly as that visible, orange plume.

Humans can choose not to drink water with arsenic and lead levels 800 and 3,500 times that considered safe. But the fish had no such choice and were exposed to levels of lead, arsenic, and cadmium 200, 24 and six times, respectively, more than what is considered safe. The pH levels reached about 3.5. (Pure water is about a 7.0.) The EPA cheerily claimed that was about the same as coffee—yet most pH charts actually put the water closer to the acidity of vinegar.

And that is twice or three times what hatcheries consider safe for trout. Of even greater concern over the longer term are heavy metals. The Farmington Daily Times reported manganese and iron above safe levels. The Albuquerque Journal estimated that as much as 110 acres of river bottom may be covered in toxic sludge as much as an inch thick. Trout not killed outright in a chemical spill can still record the effects in their flesh; browns, in particular will absorb heavy metals over years.

Yet this river is hardly alone. There are over 1,000 chemical spills in the United States each year. In Pennsylvania nearly a decade ago, a spill into Portage Creek was so toxic that desperate trout were seen trying to leap clear of the water; 100 percent of them died in the first few miles of the spill. In Montana, biologists are still trying to understand a 50,000 gallon spill of crude oil into the legendary Yellowstone River.

The county sheriff opened the Animas nine days after the spill yet just in time for the weekend and the tourist season. Oddly, the crowds of kayakers and fly fishermen did not venture down from the bars and restaurants. A local bank offered emergency loans to fly shops and river guides who had, from their own desperation, put their stock up for sale. Yet by Saturday I still counted not a single fly fisherman on a river where they are normally shoulder to shoulder.

But by their health, behavior, appearance—or absence—the trout will tell what really happened here. The trout always tell.

**Colorado Statesman (CO)**

<http://coloradostatesman.com/content/996047-colorado-dems-back-mining-reform-gop-focused-good-samaritan-law>

## **Colorado Dems back mining reform, GOP focused on Good Samaritan law**

8/20/2015

By David O. Williams

Two weeks after the Environmental Protection Agency and contract workers accidentally released 3 million gallons of acid mine waste into the Animas River, federal lawmakers are gearing up for a deluge of debate over how best to solve the problem of thousands of abandoned mines leaching into watersheds all over the West.

Experts on mine waste cleanup efforts expect renewed interest in U.S. Rep. Raul Grijalva's Hardrock Mining Reform and Reclamation Act of 2015, introduced by the Arizona Democrat in January and languishing in committee since February.

Grijalva's bill, which is cosponsored by 25 other Democrats, including Colorado Reps. Jared Polis and Diana DeGette, would require royalties for hardrock mining operations on public lands, create a fund for cleanup of abandoned mines such as the Gold King Mine near Silverton and includes a Good Samaritan provision to absolve third parties of liability for cleanups.

Colorado's Republican lawmakers are focused on Good Samaritan legislation separate from Democratic efforts to reform the 1872 Mining Act, which — unlike coal, oil and gas mining — does not require companies to pay royalties for extracting hardrock minerals such as gold from federal lands.

"We have known for a long time that mining regulations are absurdly outdated and leave many problems for local communities long after mining operations stop," DeGette said in an email

statement to The Colorado Statesman.

“It should not have taken a dramatic event such as Gold King to get western policymakers thinking seriously about these issues,” she said. “If we can replace policies from the Ulysses S. Grant administration, we may be able to prevent future disasters and looming threats to the West’s special places.”

But Republican Rep. Scott Tipton, whose Western Slope district includes the area of the spill, wants to see Good Samaritan legislation only. He sponsored an unsuccessful House version of a bill in the last Congress that former Sen. Mark Udall, a Democrat, introduced in the Senate.

Tipton spokesman Josh Green said Grijalva’s bill has little chance of passing in the current Republican-controlled Congress, which reconvenes after Labor Day.

“The Good Samaritan approach is a far more effective way to expedite the cleanup of abandoned mines,” Green told The Statesman. “[Tipton] is currently working with community leaders and stakeholders, as well as with Colorado’s U.S. Senators, toward a similar solution to address the issue that stands the best chance of passing through Congress.”

Good Samaritan legislation would give third-party groups such as state and local governments, nonprofit groups and mining companies binding legal safeguards to remediate abandoned mine sites, many of which date back to the late 19th Century.

Udall tried for years to pass Good Samaritan legislation and reform the 1872 Mining Act, meeting resistance from his own party from former Senate Majority Leader Harry Reid, whose home state of Nevada is one of the most mined in the nation. Udall’s successor in the Senate, Republican Cory Gardner, says he’ll take up the issue after the break.

“I am working on bipartisan solutions that create a number of tools to jumpstart mitigation and get to work on the long backlog of abandoned mines,” Gardner said in a statement to The Statesman. “Each proposal requires careful consideration, but it’s time such policies move beyond introduction and actually move into implementation.”

New Mexican Democratic Sen. Martin Heinrich told the Albuquerque Journal last week that he'll introduce 1872 Mining Act reform in the Senate this fall. Colorado's Democratic senator, Michael Bennet, told The Statesman he's supported reform efforts in the past and is likely to do so again this session.

"Right now, we're still tackling the immediate health and environmental effects of this spill and investigating the actions that led to the spill," Bennet said. "But it's time to start thinking about the bigger picture and the serious issue of legacy mine contamination in the West.

"We need to consider reforming and updating the Mining Law of 1872 and revisit the Hardrock Mining Act, a bill we supported when it was last introduced in the Senate. We also need to look at long-term water treatment solutions, and we're going to carefully review our Good Samaritan legislation to make sure we safely encourage more cleanup efforts in these areas."

Good Samaritan legislation by itself won't solve the problem, says Lauren Pagel, policy director of the environmental group Earthworks.

"You could have all the good Samaritans in the world, but if there's not enough money to clean up these sites, then they're not going to get cleaned up," said Pagel, whose group backs Grijalva's reform bill, which would require 8 percent royalties for new hardrock mines and 4 percent royalties for existing mines.

"The idea of nonprofits, local and state governments having to bear the burden of the cost is unrealistic," she added. "There may be a few mines that are cleaned up that way, but most nonprofits, local and state governments are pretty strapped for cash, so having that steady stream of funding ... is really the best way to get as many of these mines as possible cleaned up."

Stuart Sanderson, president of the Colorado Mining Association trade group, says it's unfair to charge modern mining companies royalties to fund the cleanup of mines abandoned by other companies that did business in a bygone era when reclamation standards were virtually nonexistent. But he says the industry would support Good Samaritan legislation.

“One of the greatest impediments to the cleanup of these old sites is the absence of any kind of legislation authorizing for Good Samaritan site remediation,” said Sanderson, who wants the modern industry absolved of liability so it can clean up old mines.

“Companies are discouraged from going in and reclaiming these sites because the federal laws, including the Clean Water Act, impose blanket liability for all site conditions,” he added. “In other words, once you touch that site you bought all the liabilities going back to 1890 — all the way back to the very first time that ore was extracted — and that’s just not right.”

Sanderson blames the EPA for the Gold King fiasco and wants industry experts more involved in cleanup efforts, adding that he believes environmental groups are using the situation to revisit mining reform.

“It doesn’t surprise me that the groups that are opposed to mining are trying to politicize this debate by opening up the mining law,” Sanderson said. “The environmental groups have insisted upon punitive royalties and other provisions in mining law legislation that would essentially discourage mining on public lands.”

### **Colorado Statesman (CO)**

<http://coloradostatesman.com/content/996043-conservative-free-market-groups-blast-epa-air-quality-regulations>

### **Conservative, free-market groups blast EPA air-quality regulations**

8/20/2015

By Valerie Richardson

With the Environmental Protection Agency already reeling from criticism over the Animas River spill, free-market groups are taking advantage of the agency's muddled reputation to blast its recent spate of air-quality regulations.

The Denver-based Independence Institute released a poll Monday showing that the majority of Colorado voters surveyed agree that the EPA's Clean Power Plan is more likely to hurt than help the state's environment. The poll shows residents would oppose the plan if it results in higher electricity bills and believe Colorado already enjoys a clean environment.

Meanwhile, the Colorado Association of Commerce and Industry and the National Association of Manufacturers debuted a multi-million-dollar national ad campaign in Denver last week targeting the EPA's ozone rule, warning that regulations would kill jobs and increase traffic congestion in the state.

A report released alongside the ads by the Center for Regulatory Studies highlighted opposition to the ozone rule in Colorado from Democrats as well as Republicans.

"The sheer volume of bipartisan commentary opposing the proposed ozone reduction is particularly eye-opening in these normally contentious times, and shows a break with the EPA on new regulations," said a post by the Independence Institute's Energy Policy Center. "The ozone rule might be a step too far following so closely behind the (Clean Power Plan)."

The two federal initiatives — targeting carbon dioxide and ozone — are part of an ambitious push by the Obama administration to improve air quality and lower greenhouse-gas emissions, which has won support from environmental groups, including Conservation Colorado.

"The EPA's Clean Power Plan is a state-oriented flexible plan to limit carbon pollution, the leading contributor to climate change," said the group in a statement shortly after the final plan was unveiled earlier this month. "Many Coloradans are already feeling the effects of climate change through increased forest fires, droughts, and impacts to Coloradans' clean air, public health, and future water supplies."

But opponents have criticized the proposal, which could force coal-fired plants to undergo expensive upgrades or shut down, as a costly federal mandate that will jack up electricity prices while barely moving the needle on global temperatures.

In the Independence Institute poll, conducted Aug. 8-9 by Magellan Strategies, 59 percent of those surveyed said they would oppose the plan if it resulted in rate increases, as opposed to 33 percent who said they would not.

More than half — 52 percent — agreed that regulations from Washington, D.C., hurt the economy more than help it, while 35 percent said federal regulations help. Those percentages flipped when it came to Colorado regulations, with 48 percent saying they help.

Those responding also said they would be less likely to support the Clean Power Plan, by 51 to 37 percent, knowing the EPA has estimated it would result in a 0.02-degree Celsius reduction in global temperatures when fully implemented.

In addition, 53 percent said they would favor Colorado joining a lawsuit filed by 16 states against the plan. Colorado Attorney General Cynthia Coffman has said she's weighing whether to do so, while Gov. John Hickenlooper has been generally supportive of the plan's goals.

The ozone rule in particular, has some Colorado lawmakers fuming over the EPA's decision to give Colorado until 2030 to reduce ozone output by a whopping 40 percent, even though Colorado has been a leader in reducing ozone thanks to state efforts.

"After the great progress we have made on air quality, our state should be praised, not punished," state Sen. Cheri Jahn, D-Wheat Ridge, said in a report released last week by the Center for Regulatory Solutions.

The study includes a poll conducted for CACI and NAM showing that 76 percent of Coloradans say their air quality is good or excellent, and that twice as many see improving economic growth

as a bigger priority than reducing air pollution.

The center's report showed that at least 15 Colorado counties accounting for 89 percent of the state's economic output — mainly along the Front Range — would be out of compliance with the federal ozone rule.

"This is a concern, obviously, for the overall competitiveness of the Colorado economy, it's a concern for consumers for example in terms of costs, but it very much is a concern of small businesses who overwhelmingly populate these key industries that have driven growth in Colorado," said Raymond Keating, the center's chief economist.

"The bottom line here is that this effectively is a federal cap on economic development, including small business growth and job growth in the state," he said.

EPA administrator Gina McCarthy has argued that the tougher ozone rule, which lowers the current standard from 75 to 66 parts per billion, would reduce the risk of asthma and lung damage, making communities more attractive to business.

"Special-interest critics will try to convince you that pollution standards chase away local jobs and businesses, but, in fact, healthy communities attract new businesses, new investment, and new jobs," she wrote in a November article defending the standards.

A number of Colorado legislators have called on the EPA to keep its 2008 ozone targets, which have not yet been fully implemented, before setting new standards.

As for traffic, the ozone limits would force a delay of state and federal road and highway projects, adding an estimated 4.5 to 9 million traffic-hours per year in the Denver metro area, according to the report.

### **Denver Post (CO)**

[http://www.denverpost.com/ci\\_28677187/plan-clean-up-gold-king-mine-area-stymied](http://www.denverpost.com/ci_28677187/plan-clean-up-gold-king-mine-area-stymied)

## **Plan for clean-up of Gold King Mine area stymied for years**

Good Samaritan pilot program would have sought to clean up watershed

By Mark K. Matthews

POSTED: 08/21/2015 12:01:00 AM MDT UPDATED: ABOUT 2 HOURS AGO

WASHINGTON — Twice in the mid-2000s, a program intended to clean up the mine-fouled waterways in the region around the Gold King Mine failed to find traction in Congress, where a fight between miners and environmentalists kept the idea from going forward.

The legislation proposed by U.S. Reps. Scott McInnis and John Salazar in 2003 and 2006, respectively, would have created a pilot program in the Animas River watershed that would allow so-called good Samaritan groups to clean up polluted mines without fear of long-term liability.

Had that program been in place, it may not have prevented the disaster inadvertently triggered by the Environmental Protection Agency. The spill released more than 3 million gallons of toxic waste into the river, which runs through the heart of Durango, and polluted waters downstream in New Mexico and Utah.

But the program was aimed at getting a start on cleaning up waste from old mines in the area and could have at least lowered pre-spill levels of contaminants that have killed stretches in the watershed.

Advocates of good Samaritan legislation say the failed attempts were emblematic of a long-running fight in Congress, spearheaded by Colorado legislators, to find a way to deal with thousands of defunct and dirty mines in the West.

And now two lawmakers from the state want to try again.

Yet the latest effort by U.S. Sen. Michael Bennet and U.S. Rep. Scott Tipton is likely to run into many of the same obstacles that have killed similar good Samaritan bills at least a dozen times over the past two decades.

The reasons for the repeated failure are manifold.

Although the basic premise of the Good Samaritan law is simple — it would shield outside groups from liability when cleaning up a mine — the idea repeatedly has fallen victim to a grudge match between environmentalists and the mining industry.

And with Bennet, a Democrat, and Tipton, a Republican, looking to take up the mantle again in the next couple months, insiders are worried their effort could hit the same brick wall and continue the same destructive status quo.

According to one estimate, old mines in Colorado leak at least the equivalent of one Gold King Mine disaster every two days; many of these sites could be helped with new federal legislation.

"This has a long history, and I don't just mean the Good Samaritan bill," said Doug Young, who tackled the issue when he was a staffer with former U.S. Sen. Mark Udall, a Colorado Democrat.

The problem Udall and others have sought to fix is one of liability. Across Colorado and the West, there are thousands of abandoned mines in which no one is responsible for the cleanup; either the company went out of business or the culprit can't be found.

In those cases, organizations such as Trout Unlimited, a conservation group, have suggested third-party groups be allowed to help fix the mines. But these advocates are worried a cleanup campaign would force them to put too much on the line.

Under current environmental law, a third-party group could be held liable for future pollution once it began to clean up a mine — an enormous financial risk.

"There are disincentives that send Good Samaritans running in the opposite direction," said Ty Churchwell of Trout Unlimited.

And so he and others have asked lawmakers such as Udall to write legislation that would shield them from this liability.

But some environmentalists have warned that the issue isn't that simple.

They view Good Samaritan bills as either a wasted effort or a Trojan Horse that would pave the way for more mining.

"There is no point in having Good Samaritan legislation if there is no money to pay for the cleanup of these mines," said Lauren Pagel, policy director for Earthworks.

Instead, she wants legislation that would force hard-rock mining companies to pay into a fund that would cover the cost of these reclamation efforts.

Pagel also warned that giving Good Samaritans a shield from liability was an approach that ultimately could be manipulated by the mining industry, either to do more mining or to protect itself from future responsibility.

"If the mining industry is not willing to pay anything — and they want a slew of liability waivers — that is a non-starter," she said.

Stuart Sanderson, president of the Colorado Mining Association, sees it differently.

He said it was self-defeating to deny the mining industry a chance to take part in cleanup.

Not only is recovery work expensive, but the effort could benefit from the knowledge and equipment that miners could provide — especially when set against the recent spill at the Gold King Mine.

"If the events of the past few weeks have proven anything, it is (that) limiting participation to the EPA and government is not sufficient, nor does it always achieve the right results, as we have seen in dramatic fashion," he said.

He also said it made sense that modern mining companies be allowed to excavate cleanup areas. Otherwise what financial incentive did they have in fixing sites in which they had no responsibility?

"If there are any mineable reserves, why not take those resources?" he asked.

In spite of the impasse, potential Good Samaritans are not completely out of luck. Right now, the EPA has in place a process that would allow Good Samaritans to do much — if not all — the work lawmakers have tried to prescribe in legislation.

Agency officials, however, did not respond to repeated requests to provide more information about the program, namely how often it's been used in the past several years.

But advocates of a legislative fix warn there is still a danger of liability — in spite of the EPA program. And irrespective of funding concerns, a Good Samaritan bill can enable good conservation, they say.

Years of past futility, however, have not stopped Bennet and Tipton from taking another shot. Bennet and Tipton started to work months ago on their own version of the Good Samaritan bill.

The language is under negotiation, but both camps said the focus would be narrower than Udall's national approach and would echo the pilot-program idea of McInnis and Salazar.

The thinking is that a bite-size bill would have a better chance of passage. "We have seen in the past that Good Samaritan legislation is a fairly heavy lift," Tipton said.

Tipton said he and Bennet are deciding which area they would target for the pilot program, although the Gold King Mine area was a "sensible starting point."

Even so, Tipton acknowledged the fight won't be easy.

"You learn pretty quickly in Congress that nothing is going to move very quickly," he said.

### **Durango Herald (CO)**

<http://www.durangoherald.com/article/20150820/NEWS01/150829964/Second-EPA-community-meeting-draws-about-150-people->

### **Residents get water-quality assurance after Gold King Mine spill**

Issue-related breakout tables give Durangoans specific information

By Ann Butler Herald staff writer

Article Last Updated: Thursday, August 20, 2015 10:26pm

Four days after the Gold King Mine spill, more than 600 area residents attended a community meeting full of anger and pointed fingers.

On Thursday night, the turnout was far diminished, with about 150 people showing up at Miller Middle School to get the latest updates, responding with applause to local officials talking about their efforts to make sure our water supply is safe.

After explaining the testing at every stage the city of Durango is doing on water pulled from the Animas River, Mayor Dean Brookie said, "I can assure you that the water coming out of your tap has been more highly tested than any bottle of water on the shelves of City Market."

One questioner asked why the city didn't wait until the spring runoff before turning on its Animas River intake.

"Because testing from three different agencies said it was safe to turn it on now," Brookie said, "and major summer users such as Durango Parks and (Recreation), School District 9-R, (Fort Lewis College) and Hillcrest Golf (Club) were pressing for water to take care of their grounds."

"There's been so much attention; it's been so dramatic, and all that attention may be out of proportion with what we're dealing with here," one woman said. "People are acting as though this were at the level of the Love Canal or Gulf (Coast) oil spill, and it's not."

Others spoke of the need for healing between San Juan and La Plata counties, were angered that testing results are difficult to understand for lay people, and some wondered if all the Environmental Protection Agency is going to do is test and wait for high-water events to wash the sediment down river.

“No, we’re working up at the mine site so the drainage doesn’t continue,” said David Ostrander, program director for the EPA’s Preparedness, Assessment and Emergency Response.

In addition to giving residents updates from the EPA, La Plata County, Colorado Department of Public Health and Environment, San Juan Basin Health Department and other agencies, the meeting allowed residents to get information at breakout tables about specific issues.

The most highly swarmed table was addressing environmental monitoring and water safety, which included representatives from Colorado Parks and Wildlife, EPA and the state health department. It was mentioned in the auditorium that two beavers had been found dead.

“They’ve been sent to Grand Junction to be tested,” Parks and Wildlife spokesman Joe Lewandowski said, adding there was no obvious reason for their deaths. “After a dead fish was found near Santa Rita Park last Thursday, we floated from 32nd Street to the High Bridge and found six more. They’ve also been sent for testing. I don’t want to underplay what’s happened, but fish die, just like people die.”

EPA toxicologist Kristen Keteles was one of the most popular scientists at the meeting.

“I keep telling people ... that the dose makes the poison,” she said. “Even water can be toxic if you drink enough. And people are getting more arsenic if they drink apple juice or more mercury if they eat tuna than they’ll get from the Animas River. We can’t eliminate chemicals entirely.”

**Durango Herald (CO)**

## **Contributions to emergency-relief fund are growing**

Article Last Updated: Thursday, August 20, 2015 10:26pm

Money has started flowing into the Community Emergency Relief Fund since it was reopened over the weekend by the Durango Business Improvement District and Community Foundation Serving Southwest Colorado.

The fund had a balance of \$28,000 when it was reopened, but Tim Walsworth, executive director of BID, said that wouldn't be nearly enough considering the number of people who would need help with immediate expenses such as rent, groceries and utilities after the Animas River spill.

A number of businesses have stepped up, including La Plata Electric Association Round Up Foundation, \$4,000; Nature's Oasis, \$500; Bank of Colorado, \$2,500; and First National Bank of Durango, \$5,000.

Steamworks Brewing Co. and El Moro Spirits & Tavern are planning fundraising events at both restaurants Sept. 2. The Bootleggers Society is brewing a special beer to benefit the fund. Hopefully, it won't have a Tang-orange-colored label, but then again, maybe it should.

Applications have also begun coming in rapidly, Walsworth said.

Herald Staff

**The Gazette (CO):**

## **GUEST COLUMN: Colorado should not comply with the EPA's Clean Power Plan**

Erik Telford

On Aug. 3, President Barack Obama laid out the final version of the Environmental Protection Agency's Clean Power Plan. In the wake of the EPA's role in the Animas River disaster, which so far has dumped 3 million gallons of wastewater into the river, Coloradans should rightfully be wary of the way the EPA will implement the Clean Power Plan - and according to new polling, they are.

While Obama and EPA head Gina McCarthy have been busy touting the potential benefits of the Clean Power Plan, both have ignored the very real costs it will impose on coal-powered states, like Colorado.

Polling commissioned by the Independence Institute, a free-market think tank, found that 65 percent of Coloradans rated their state's environmental quality "very good" or "excellent." A different poll conducted by the Colorado Association of Commerce and Industry and the National Association of Manufacturers found that 76 percent of registered voters rated Colorado's air quality as "good" or "excellent."

If an overwhelming majority of residents in Colorado already think the environmental and air quality in the state are fine, then why is there a need for heavy-handed federal regulations that could come with several negative externalities?

A majority of Coloradans are skeptical of the Clean Power Plan when presented with the likely negative impacts if it's implemented.

The Independent Institute's poll found that 59 percent of Colorado residents are more likely to oppose the Clean Power Plan if the rule resulted in electricity bill increases - which it is expected to do. In a preliminary analysis of the Clean Power Plan, the group NERA Economic Consulting calculated that the new regulations could increase retail electricity prices between 12 to 17 percent - which translates to as much as \$240 more per year for electricity.

Fifty-five percent of those surveyed said they would oppose the plan if it meant increased poverty rates in black and Hispanic communities - which is likely according to the National Black Chamber of Commerce. In a recent op-ed, Harry Alford, president of the Chamber, ripped the Clean Power Plan, saying it would lead to job losses, lower incomes and higher poverty for minorities. A study conducted by the Chamber found that by 2030 the Clean Power Plan will lead to \$565 billion in higher annual electricity costs.

By raising energy prices, the EPA rule will make essential items more expensive because having higher electricity costs doesn't just mean a higher utility bill; it means higher prices on food, clothing and any other item you buy from a store that uses electricity. Lower- and fixed-income individuals spend a greater percentage of their income on electricity and essential items, so they would be negatively affected at a much greater rate.

In 2013, 64 percent of electricity generated in Colorado came from coal. The state ranks 11th in the country in terms of coal production, according to the U.S. Energy Information Administration.

Colorado is without a doubt a coal-powered state, but as the surveys show, the state and coal plants in the state have done a really good job at keeping pollution levels down and the environmental quality in Colorado high.

The EPA's plan seeks to reduce the nation's carbon emissions 32 percent by 2030. In order for Colorado to be compliant, it would need to reduce its emissions by 40 percent, since it is a larger producer of these emissions.

The EPA is seeking to accomplish this by forcing state environmental protection agencies to develop plans on how they will reduce the amount of carbon emissions produced in their states, and then having the state agencies send those plans to the federal EPA in Washington, D.C., so that they can enforce the implementation of the plans. The EPA is demanding that plans be submitted to them by 2022.

But with so many residents rightfully concerned about the negative impacts of the Clean Power Plan, many are wondering what Colorado's options are moving forward.

The best option for states, particularly in coal country, would be to not comply with the EPA's mandate and not submit carbon emission reduction plans.

Attorneys general in 16 states have joined a lawsuit challenging the EPA's ruling, and submitting plans to the EPA while waiting for the litigation to play out would undermine the legal challenges against the Clean Power Plan. Colorado's attorney general, Cynthia Coffman, has not decided on whether or not the state will join the multistate lawsuit against the EPA, but Democratic Gov. John Hickenlooper has said in the past that he will direct state officials to comply with the EPA's Clean Power Plan rules.

Nearly 6 out of 10 surveyed in the Independence Institute poll said the state should wait to comply, and half of those surveyed said the state should at least determine the cost of compliance before complying.

Gov. Hickenlooper should listen to the residents of the state and not submit a carbon emission reduction plan to the EPA. The Clean Power Plan represents an unprecedented overreach into state electricity production affairs by the federal government. With Coloradans still wondering what exactly the EPA was thinking when it dumped millions of gallons of wastewater into the Animas River, they are rightfully hesitant to embrace officials from outside the state meddling in their environmental affairs. Regardless of the EPA's role in the Animas disaster, the Clean Power Plan is bad public policy that will raise the price of electricity in Colorado and make life more difficult for the most vulnerable residents of the state.

### **KOAT Channel 7 News Albuquerque (NM)**

<http://www.koat.com/news/navajo-nation-says-epa-relief-water-is-dirty/34833512>

### **Navajo Nation says EPA relief water is dirty**

Nation plans to sue agency

By Royale Da

UPDATED 7:59 PM MDT Aug 20, 2015

NAVAJO NATION —Navajo Nation officials say water delivered under the supervision of the Environmental Protection Agency is tainted with some type of oily substance.

Water restrictions are still in place on the reservation after a mine spill sent toxic metals floating down the Animas River and into the San Juan River. It's water Navajo farmers and ranchers rely on.

After repeated attempts to speak with the EPA, David Gray sent a statement to Action 7 News. It says this was the only complaint the EPA got about the tanks.

Gray said nine tanks were taken to the Shiprock area by an Aztec trucking company, and according to the contractor, they were steam cleaned and inspected prior to going there.

Requests for an interview with Gray were ignored. KOAT wants to know how the EPA picked the trucking company and if the agency holds itself accountable for the workers they hire to deliver EPA water.

Meanwhile, three tanks have been seized by Navajo police, and the Navajo Nation president says his government plans to sue the agency.

### **Santa Fe New Mexican (NM)**

[http://www.santafenewmexican.com/news/local\\_news/red-river-comeback-contrasts-animas-mess/article\\_7173bc15-8ba7-56d4-bd58-c453ce2631cc.html](http://www.santafenewmexican.com/news/local_news/red-river-comeback-contrasts-animas-mess/article_7173bc15-8ba7-56d4-bd58-c453ce2631cc.html)

## Red River ‘comeback’ contrasts Animas mess

Posted: Thursday, August 20, 2015 8:00 pm | Updated: 12:11 am, Fri Aug 21, 2015.

By J.R. Logan

TAOS — For almost half a century, Taylor Streit has been harassing trout on the Red River. And for much of that time, he also was harassing officials at the Questa molybdenum mine — a major contributor of toxic contamination that would periodically wipe out one of his favorite fisheries.

So when Streit saw the Animas River turn to Tang-colored sludge a couple of weeks ago, it reminded him of the way the Red River turns a milky blue when a summer monsoon pounds the mountains above Questa, dumping loads of heavy metals into the water.

Streit never hid his contempt for the mine. In the 1970s, he was part of a vocal group — Concerned Citizens of Questa — that fought to hold the industry accountable for the environmental disaster it created.

But today, Streit’s scorn has mellowed. The Red River isn’t perfect, but it’s getting a lot more love. Water quality is better, and there is a solid plan to spend hundreds of millions of dollars to take care of decades of mine waste that once threatened to decimate the watershed. Fishing parks are even popping up in areas that once were written off as dead water.

“The grudge is gone,” Streit says. “It’s a whole new thing now. The Red has been a remarkable comeback story.”

The progress around Questa is brought into better focus in the wake of the spill at Gold King Mine — one of hundreds of abandoned or potentially harmful mines near Silverton, Colo. Some experts think efforts to adopt more progressive mining laws, as well as the decision 15 years ago to allow the U.S. Environmental Protection Agency to get involved in Questa, have been the difference between slow but steady improvements on the Red River, and the wave of orange muck on the Animas.

Twenty years ago, Questa and Silverton shared a lot of similarities. The mining industry had long been a mainstay of the local economies. Both areas also were suffering environmental degradation believed to be, at least in part, the industry’s fault.

In the mid-’90s, the EPA was gingerly poking around in both locations while gauging the appetite for agency involvement in some kind of cleanup.

Under the federal Superfund program, established in 1980, the EPA has the authority and vast resources to address hazardous waste sites, and to hold the parties that created the mess

responsible for the cleanup. It's a proven tool for remediation, but it often takes a very long time and is very expensive. Plus, Superfund involves the sometimes heavy-handed intervention of the federal government, which can rub local leaders in rural areas the wrong way.

With a Superfund listing looming, both communities first tried to find a resolution locally. In Silverton, representatives of local and state government, the mining industry and environmental groups formed the Animas River Stakeholders Group, hoping to improve water quality while avoiding Superfund status.

"Most of the stakeholders thought that such a designation would lead to lots of litigation, reduced property values, distrust and resources going to attorneys and consultants as opposed to on the ground projects that might improve water quality," the group's website reads. That group still meets regularly and has had some success at improving water quality while dodging Superfund designation. This month's spill was an obvious setback.

In Questa, state regulators made efforts to negotiate a deal with the mine's then-owner, Molycorp. At the time, both reportedly feared Superfund status would mean a longer and more costly cleanup. But when those talks fell through, then-Gov. Gary Johnson — a Republican — called in the big guns. "I hearby concur that EPA should place the Molycorp mine in Questa, New Mexico on the [Superfund list] for cleanup," Johnson wrote in a letter to the EPA. With the governor's blessing, federal regulators stepped in.

Jim Kuipers, a Montana-based consultant on mine-related environmental and reclamation issues, thinks that decision set Questa on a very different and ultimately fruitful path toward recovery. Kuipers has been offering technical advice at Questa for almost 20 years, and he says he's intimately familiar with the situation facing Silverton.

In the mid-'90s, Kuipers said, the potential for massive contamination coming from the Questa mine was enormous. Studies have shown some of the pollution is naturally occurring, but most conclude that mine waste was a major contributor. But Molycorp had refused to accept any responsibility for heavy metals polluting the river.

At Silverton and Questa, the primary cause of mine-related pollution is acid mine drainage. Disturbance caused by mining exposes iron sulfide — pyrite — to the elements. When iron sulfide combines with water and air, it creates sulfuric acid. The acid then leaches through the surrounding rock, dissolving other harmful metals, which can then pollute surface and groundwater.

If Molycorp had gone belly up, or simply abandoned the mine, Kuipers said, the underground workings would fill with a toxic brew that would eventually spill over into the Red River watershed, causing damage far greater than that seen this month on the Animas.

To avoid that scenario, Kuipers said, the New Mexico Legislature made great strides by passing the New Mexico Mining Act in 1993. The act clamped down on mine operators, requiring them to put up a cash bond meant to cover the cost of reclaiming a mine site in case a company later refused to do the cleanup work. The new law also required operators to have a plan in place to

close a mine when and if it ceased operations.

“New Mexico really got its act together,” Kuipers said, adding that Colorado law is far less progressive when it comes to holding mining companies accountable for their messes. Even with the act, Kuipers said, problems at the Questa mine probably wouldn’t have been addressed without the EPA’s involvement. If the state had tried to hold the company to task on its own, it would have been bogged down in an endless legal battle that still might not be resolved, he said. “When EPA showed up, it’s not like everyone was thrilled. But there was a recognition that, without EPA’s authority, it wouldn’t get done.”

In the subsequent 15 years, the EPA has forced the mine owner to the table and has set in motion an \$800 million cleanup that will be paid for on the company’s dime. Kuipers said the Superfund process quantified how much damage the mine caused, and how much it would have to clean up.

A deal was reached, but that discussion has sometimes been far from amiable. In fact, current mine owner Chevron is still suing the U.S. government, asserting that federal officials are partially responsible for the mess because they goaded the mine to develop more ore when the country needed more molybdenum. “Folks duked it out, but the result has been pretty good,” Kuipers said.

There are parts of the Questa situation that make it a much simpler puzzle to solve. First, Chevron is among the most powerful and wealthy corporations on the planet. A little mine in New Mexico is only a footnote in its global portfolio, and it has deep enough pockets to cover the hundreds of millions of dollars it’s going to take to finish the decades of reclamation that still lie ahead.

The situation in Silverton is more complicated. First, ownership of the area’s myriad mines is far more diverse, meaning the EPA would have to try to hold several parties responsible for cleanup costs. In some cases, there might not be anyone who could be held to account for pollution emanating from a specific abandoned mine.

Local resistance also has been fierce. Until very recently, few in Silverton were willing to suggest the EPA should order a full-blown Superfund approach. They worry that Superfund designation would hurt tourism, or slam shut the door to future mining in the area. And since it was the agency that caused the spill this month, there are plenty who think the feds are not up to the job. At the same time, there are mounting reports of Silverton residents who have voiced support for Superfund. That, combined with pressure from communities downstream that felt the brunt of the spill, could set that community on a different path.

It’s worth noting that the Questa mine was an unusual Superfund case because it was, until last summer, an operating mine. Chevron officials insist the government-mandated reclamation had nothing to do with their decision to close the mine permanently.

Those who’ve been fighting to protect the Red River, meanwhile, are thankful to have gotten what they consider a head start. “There are still a lot of details to be ironed out in terms of specific remedies on the ground, but I think we’re in a lot better position here than they are on

the Animas River,” said Rachel Conn, interim executive director of Taos-based environmental group Amigos Bravos. “At least we’re partway down that process and beginning to look at remedies. But a lot of those remedies still have to be implemented.”

This story first appeared in The Taos News, a sister paper of The Santa Fe New Mexican.

**St. Lake City Tribune (UT)**

<http://www.sltrib.com/opinion/2856633-155/letter-kennecott-leaked-a-gold-king>

**Letter: Kennecott leaked a Gold King mine spill every day**

August 21, 2015, 9:00 AM EST

In the midst of Utah's official outcry over the 3 million gallon mine spill from a southwest Colorado mine, we have been living for decades, very quietly, with a much, much larger acid mine drainage spill here in our own valley.

By their own consultant's calculations, Kennecott Utah Copper released collected contaminated water below the mine waste rock dumps that we see out our west-facing windows at an average rate of 1 million to 7 million gallons per day for about 37 years between 1965 and 1992.

The Large Bingham Reservoir, adjacent to Copperton, gathered acidic and storm runoff from the dumps (not all, but most), but the old reservoir leaked like a sieve. So, the Gold King Mine spill was matched by Kennecott in just a few hours, every day, day after day, and exceeded in acidity. Like an acid mine drainage Groundhog Day.

The official solution? "Treat" the water by reverse osmosis both at Kennecott and at the Jordan Valley Water Conservancy District, and send the contaminated "concentrates" to the Great Salt Lake, effectively, sending a half century or more of very low pH water containing the entire periodic table of the elements into nature.

Now, to make a hullabaloo about EPA's accidental "spill" is sophistry, at its worst.

Ivan Weber

Salt Lake City

### **Washington Times**

<http://www.washingtontimes.com/news/2015/aug/20/mines-owner-i-tried-keep-out-epa-was-threatened/>

### **Mine's owner says he tried to keep out EPA but was threatened with fines**

By Valerie Richardson

Thursday, August 20, 2015

DENVER — The owner of the Colorado's Gold King Mine says he tried to stop the Environmental Protection Agency from gaining access to his property, but that he relented after the agency threatened to pound him with ruinous fines if he refused.

Mine owner Todd Hennis said that he had little choice four years ago but to allow in an EPA-led crew, which triggered the Aug. 5 blowout that sent 3 million gallons of toxic orange wastewater down the Animas River.

Iconic television host opens up about her secretive lifestyle, how the crowd reacts is awful

“When you are a small guy and you’re having a \$35,000 a day fine accrue against you, you have to run up the white flag,” Mr. Hennis told CBS4 in Denver.

Mr. Hennis said he opposed having the EPA investigate leakage from the inactive mine near Silverton, Colorado, because he had tangled with the agency in previous years over its work at another mine he owns in Leadville, Colorado.

“I said, ‘No, I don’t want you on my land out of fear that you will create additional pollution like you did in Leadville,’” Mr. Hennis told Colorado Watchdog.org. “They said, ‘If you don’t give us access within four days, we will fine you \$35,000 a day.’”

The EPA has admitted that its agents accidentally unleashed the acidic flood, which has since contaminated the San Juan River in New Mexico and seeped into Lake Powell in Utah, albeit in very low concentrations.

The Interior Department and the EPA’s Office of Inspector General are investigating the circumstances leading up to the accident, while at least two House committees are also expected to hold hearings on the spill.

Sens. John McCain, Arizona Republican, and Tom Udall, New Mexico Democrat, sent a letter Tuesday to the Senate Indian Affairs Committee requesting an oversight hearing on the contamination’s impact on the Navajo Nation.

**From:** Bressler, Lindsey  
**Sent:** Thursday, August 20, 2015 3:40 PM  
**Subject:** RE: CO Mine Spill Clips - 8/20

## **Cortez Journal (CO)**

<http://www.cortezjournal.com/article/20150820/COLUMNISTS66/150829960/Effects-of-toxic-spill-in-Animas-River-linger-and-spread>

### **Effects of toxic spill in Animas River linger and spread**

Article Last Updated: Thursday, August 20, 2015 12:49pm

By Carole McWilliams

Let's get the evil incompetent EPA!!

They caused the toxic mine spill that turned the Animas River orange before flowing into the San Juan River to affect Aztec, Farmington, and the Navajo Nation.

Actually, no. The EPA and their hapless private contractor may have been the ones at the long-abandoned Gold King Mine when it happened, and there may be plenty to criticize about their response. But it is mining practices from 100 years ago that caused this.

The Animas looks all pretty again. Raft trips are happening again, although probably with a lot fewer customers than they would have otherwise. Irrigation ditches are drawing water from the river again.

But toxic mine waste is still coming out of the Gold King Mine, hundreds of gallons per minute, and from many other abandoned mines above Silverton and any mountain area with a mining heritage. It was happening before the big spill made the national news.

The Gold King Mine water is now being collected in ponds and treated. So why wasn't that done before? Lack of funding? Or it just takes a disaster before anything gets done?

One good outcome of the big spill is that more people now are aware of mine pollution, so maybe more will be done to address the problem. But a not-so-good outcome is the anecdotal reports of the effects on tourism from the Gold King Mine spill and how that could continue well beyond this summer for the whole area, not just Durango or Silverton.

Prospective visitors don't distinguish between the Animas drainage and Vallecito, for instance, which is a separate river drainage.

Like them or not, tourists are an essential part of the local economy. It will be interesting to see sales tax figures for Durango and the county for July and August after the spill. Sales in Durango are part of county sales tax. A share of county sales tax is a major revenue source for Bayfield and Ignacio, so they will be affected too.

The EPA says people, businesses, and local governments can apply for compensation for their economic losses. Applying is one thing. Actually getting compensation is another. And it's hard to document losses from tourists who don't come, this summer or in the future.

It's ironic that the mining heritage is a big tourist draw in itself. The old mining structures perched on mountain ledges are fascinating and amazing. But the toxic legacy is extremely expensive to fix, if it can be fixed. That cost is falling on us, not the long-gone mine operators.

It's also ironic that people who love to bash the EPA are now pulling a bait and switch to use the mine spill as justification to block the EPA from imposing tighter rules on coal-fired power plants, methane emissions from oil and gas wells, and other efforts to keep us from passing a toxic legacy of human-caused global climate change to future generations.

### **Cortez Journal (CO)**

<http://www.cortezjournal.com/article/20150820/NEWS01/150829998/Tipton-gets-earful-in-town>

## **Tipton gets earful in town**

He takes on Trump, Animas spill, Iran deal and marijuana

By Tobie Baker

Article Last Updated: Thursday, August 20, 2015 11:48am

On summer recess, Rep. Scott Tipton has traveled across Colorado's 3rd congressional district – Grand Junction, Durango, Glenwood Springs, Aspen, Towaoc, Pueblo and Beaver Creek – to speak to constituents. At a town hall meeting in Cortez on Tuesday, Aug. 18, he faced frustrated voters.

One woman complained that she was threatened with a \$1,000 fine if she failed to provide Census officials with personal information.

Montezuma County Commissioner James Lambert complained that federal officials had money to develop travel management plans but lacked money for weed spray.

Veterans complained that bureaucrats get bonuses while they die waiting for their health care.

Another man complained that the U.S. House should shut down the federal government financially instead of providing amnesty for undocumented immigrants.

Wayne Johnson, of the Southwest Colorado Television Translator Association, complained about the potential loss of broadcast capabilities, and a local TV blackout.

Another man complained that the Republican-controlled House and Senate had abandoned voters, giving the president more authority since 2014 than any Democrat before.

"I think you're wrong," Tipton said.

"I'm not wrong," the man countered.

The Cortez Journal asked Tipton to comment about GOP presidential hopeful Donald Trump's ability to tap into voter annoyances at the national level. Tipton replied that the New York real estate mogul and television personality had obviously hit a nerve, but he quickly pivoted away from the querie.

"When we look at the broader field, there's a pretty deep bench out there," said Tipton. "I think Sen. Rubio had it right. We're lucky we have so many candidates, and the Democrats can't find one."

In response, a veteran stood, telling Tipton that no one in Washington, D.C. was being held accountable to voters.

"We're tired," the man said. "We are frustrated."

"I would hate to see some of the repercussions if our leaders don't start leading."

#### Legislative update

Before the complaints started, the town hall meeting began with a legislative update. Tipton boasted that he had introduced bills that would provide local and state officials more authority to mitigate wildfire threats, protect private property water rights and roll back federal regulations to allow greater flexibility for community banks.

"Nationwide, were spending \$2 trillion on regulatory costs," said Tipton. "That makes the cost for a loaf of bread more. It makes the clothes we buy for our kids to go back to school cost more."

#### Animas River disaster

In regard to the recent Gold King Mine disaster on the Animas River, Tipton was questioned about the other 230 Colorado mines leaking heavy metals into state rivers. The Denver Post has reported that no agency tracks the total discharge from these abandoned mines, which likely

equals to at least one Gold King disaster every two days.

Tipton said “Good Samaritan” legislation was being considered that would make it easier for citizen groups to clean up toxic pollution from abandoned mines.

#### Marijuana and banking

Asked if he would support pending legislation to remove cannabis from the Controlled Substance Act so bankers could do business with marijuana purveyors, Tipton responded that it was only an issue for states like Colorado, Washington and Oregon.

“This is not on the Top 10 list for the rest of Congress,” he said.

Tipton acknowledged the issue was a problem, but he reiterated that there were more “practical issues” to contend with at the national level, such as the pending Iran nuclear treaty.

#### Iran deal

Tipton said that his reading of the treaty gives a state sponsor of terror the ability to obtain intercontinental ballistic capabilities.

“Sometimes you have to take people at their word,” said Tipton. “They’re chanting, ‘Death to America,’ and I believe them.”

Tipton vowed that the House would vote down the nuclear agreement, and he predicted the Senate would follow its lead. However, he said he wasn’t confident that Congress could override a veto by President Barack Obama.

Asked if he had an alternative to the deal, Tipton instead blamed Obama, stating his pursuit of the agreement left few choices.

“We lost a lot of the leverage that we had,” he said. “Unfortunately, we didn’t secure peace, but we may have invited a conflict that we’re not going to like.”

**Grist:**

<http://grist.org/article/paranoid-republicans-think-epa-contaminated-river-on-purpose/>

**Paranoid Republicans think EPA contaminated river on purpose**

By Katie Herzog

20 Aug 2015 2:56 pm

Today in Utah news, two state lawmakers accused the EPA — yes, the agency tasked with protecting the environment — of purposefully releasing 3 million gallons of toxic wastewater into the Animas River.

Utah’s Sen. Margaret Dayton (R) and Rep. Mike Noel (R) have no evidence for their claim — it’s more of a feeling, really — but the two have asked the state Attorney General Sean Reyes to investigate anyway.

“When you went to visit, were you able to discern whether or not there’s any truth to the fact that this was an accident on purpose so they could qualify for Superfund money or if this really was an accident accident?” Dayton asked Attorney General Reyes at a meeting Tuesday.

While it is true that EPA workers released the polluted water into the river while monitoring an old mining site that had been left contaminated decades before, it was pretty obviously just a fuck-up, not a scheme to get the area designated as a Superfund site, as the paranoid lawmakers suggest.

The Salt Lake Tribune reports:

Reyes said he would inquire into the matter when he visits with EPA officials at the mine Wednesday to assess the spill site, but a Salt Lake City environmentalist blasted Dayton and Noel’s claim as “ridiculous, unprofessional, paranoid nonsense.”

Zach Frankel, executive director of the Utah Rivers Council, noted that environmental activists agree EPA holds a lot of blame — for causing the release and for its slow response to it — but he believes Noel's suspicion is misplaced.

“To deliberately cause this would not only violate the Clean Water Act, there would be a whole set of criminal charges that could be filed,” Frankel said in an interview.

He challenged the lawmakers to channel some of their outrage toward oil companies that contaminate Utah rivers.

“A year ago when an oil company polluted the Green River there were so many state interests willing to look the other way, but when EPA does it, suddenly it's a conspiracy,” Frankel said.

In response, Sen. Dayton wrapped her head in tin foil around and blamed the EPA for 9/11 — which she is pretty sure was an accident on purpose and not an accident.

## **The Hill**

<http://thehill.com/policy/energy-environment/251590-senators-push-epa-watchdog-on-mine-spill>

### **Senators push EPA watchdog on mine spill**

By Devin Henry

08/20/15 03:04 PM EDT

A bipartisan group of Western senators are asking the Environmental Protection Agency's (EPA)

inspector general to consider a litany of aspects of this month's toxic waste spill in Colorado.

The senators, led by Sen. Cory Gardner (R-Colo.), said they want the inspector general to probe everything from the work EPA contractors were doing in the Gold King Mine before the Aug. 5 spill to the safeguards the agency put in place to prevent other spills in the future.

In a letter sent Wednesday to the EPA's inspector general, the senators acknowledged that the agency has taken responsibility for the incident. But they said the inspector general report will "assist in determining the details of the accident, provide a better opportunity to improve future remediation projects and prevent spills of this nature at other legacy mines across the West."

Lawmakers included a list of 13 questions they had about the incident, including the expertise of contractors inspecting the Gold King Mine and the agency's legal requirements for responding to it and coordinating with local communities.

"Including these questions in an [inspector general] report, along with a full investigation of the Gold King Mine accident, will help prevent future spills of this magnitude and ensure that recovery for tribal, state and local economies is expeditiously put on the best path forward," the letter said.

The EPA inspector general said Monday that it was launching an investigation into the spill, which sent 3 million gallons of toxic sludge in the Animas River. Lawmakers have promised to probe the incident on their own when they return to Washington next month.

Sens. Michael Bennet (D-Colo.), Orrin Hatch (R-Utah), Martin Heinrich (D-N.M.), Mike Lee (R-Utah) and Tom Udall (D-N.M.) also signed Gardner's letter.

### **Men's Journal:**

<http://www.mensjournal.com/travel/mountain-wilderness/coming-to-a-mine-near-you-why-another-toxic-spill-is-inevitable-20150820>

## **Coming to a Mine Near You: Why Another Toxic Spill Is Inevitable**

Susan Moran

8/20/15

The milky Tang-colored waters have disappeared. Boaters have returned to the rapids. And even Colorado Gov. John Hickenlooper is so sure of the potability of the Animus River, which flowed orange with toxic silt from the Gold King Mine disaster last week, that he drank a glassful. But despite all the reassurances, the long-term impacts of the spill remain unknown. Many locals, including residents of Durango, 60 miles downstream, remain skeptical. Furthermore, the toxic spill from Gold King mine has unleashed renewed concerns that many other communities could face similar disasters.

The Gold King disaster is nothing new to the West, where many towns, including Silverton, have been suffering from regular spills from acid mine drainage into creeks for more than a century. The recent disaster stirred up such huge outrage largely because of the toxins (a cocktail of lead, cadmium, zinc, pyrite and other contaminants) were more clearly visible than usual.

"This spill stands out because it was such a big yellow-orange blob," says Mark Williams, a geography professor at the University of Colorado-Boulder who specializes in mountain hydrology and hydrochemistry. "But historically we've had numerous worse situations in the Animus River and many other places, and they're not going away."

### **"Disasters Waiting to Happen"**

In Colorado alone there are an estimated 23,000 abandoned mines. Of those, 230 are leaking wastewater laced with heavy metals into headwaters of major rivers, according to the Colorado Division of Reclamation Mining & Safety. The contaminated waterways including stretches of the Animas, Arkansas, Eagle, Big Thompson, Gunnison, South Platte, and Uncompahgre rivers, and are clustered around historic mining towns such as Silverton, Leadville, Ouray, and Salida. These probably sound familiar: Several are hugely popular with backpackers, mountain bikers, kayakers, and skiers.

Aspen and Crested Butte also have a long legacy of leaky mines, but they're not as vulnerable to major bursts of toxic discharge from cave-ins or roof collapses in large part because there are fewer tunnels but also because much of their wastewater is being treated by nearby facilities.

In a worst case scenario, like the Gold King mine, an abandoned mine plugged with concrete fills with snowmelt for years. When a plug gives way, a wave of toxic water flows into the nearest watershed. More commonly, though, it's not only a catastrophic event that's endangering rivers, but the slow leakage of toxic water.

Throughout the U.S. West roughly 500,000 abandoned and inactive mines dot landscapes, and 40 percent of western watersheds are known to be contaminated by so-called acid mine drainage, according to Earthworks, an environmental advocacy organization based in Washington, D.C. Many of them are "disasters waiting to happen," says Jennifer Krill, executive director of Earthworks. She notes that it's difficult to know how many of them could be leaking toxic water or other wastes into watersheds largely because there is no national registry of the worst mines or largest potential disasters.

### The Law That Lets Companies Abandon Mines

Most towns that harbor abandoned, inactive, or even active mines are poorly equipped to tackle disasters like that of Gold King, thanks largely to an industry-friendly mining law that dates back to 1872. The law allowed hard-rock mining companies to easily set up shop by privatizing public land (for as little as \$5 an acre), then to declare bankruptcy and leave town when their mines wreak environmental havoc.

The companies are not legally required to pay royalties or other fees that would be used to help clean up polluting old mines. By contrast, coal, oil, and gas operators must pay such royalties. "Federal agencies barely lay a finger on these companies, and they don't have resources to do it anyway," says Roger Flynn, managing attorney at Western Mining Action Project, a public interest law firm in Lyons, Colorado, and an adjunct law instructor at the University of Colorado-Boulder.

### Why Locals Aren't Doing More

Communities can pursue several ways to diagnose and treat spills and other pollution from abandoned or inactive hard-rock mines in their backyard. They can create or solicit help from watchdog groups. They can also apply for funds from federal and state agencies, as well as from mining companies. But money is rarely enough to get the job done. To add to this, many communities try to keep federal agencies, and thus their funds, at bay. For example, in the mid-1990s a coalition of residents, mining companies, environmental groups and government bodies banded together to clean up Gold King and other surrounding mines. The goal was to clean up the watershed without having the EPA declare the area a Superfund site, which would have attracted a certain notoriety. (Superfund is a federal law designed to clean up heavily polluted or contaminated sites. Once a site is designated under Superfund only federal and tribal agencies are authorized to fund and execute the cleanup.)

William Simon, who helped start the Animus River Stakeholders Group, said many residents feared the Superfund "stigma" would collapse property values, scare tourists away, and steal jobs from locals. Simon, an ecologist, had also benefited from the go-it-alone approach; he ran an environmental remediation business and was working on cleanup of nearby mines.

Earthworks' Krill says she can appreciate how Silverton and other mining communities that depend economically on their mining history are "caught between a rock and a hard place." However, their piecemeal remediation efforts typically only have a Band-aid effect, she added. Longer-term, as Krill and many scientists and other mining experts agree, the only way to prevent more tragedies like the Gold King spill, whose contamination plume has already reached Lake Powell, is to dramatically reform the relic 1872 mining law. The most promising legislation on the books so far is a bill introduced in February by Rep. Raul Grijalva (Dem-Ariz) which would, among other things, exact royalties on companies for extraction of hard rock minerals as well for cleanup. A new fund would be created to pay for the estimated \$50 billion worth of remediation of abandoned hardrock mines scattered across public lands. The bill would also give federal agencies the authority to use more discretion in issuing permits for hardrock mining.

Last week, in the wake of the Animus River spill, Sen. Martin Heinrich (Dem-N.M.) and Sen. Tom Udall (Dem-N.M.) said that they would introduce a similar bill in the Senate. "Maybe the spill has a silver lining," said Flynn of Western Mining Action Project. "More people are realizing that the (mining) industry should not be given the free pass that it's been given."

### **Silverton Standard (CO)**

<http://www.silvertonstandard.com/news.php?id=852>

### **Four mines leak 300 million gallons of tainted water a year**

Posted on August 20 2015, 1:16pm

by Mark Esper

The four mining adits of concern in the Gladstone area contribute hundreds of millions of gallons of acid-mine drainage per year to the Animas River Basin, according to the EPA's onsite coordinator Steven Way.

The drainage includes heavy metals toxic to fish and humans.

And that is what the EPA officials say they were trying to address on Aug. 5 when it accidentally released some 3 million gallons of tainted water in the Gold King Mine blowout.

“I would like an understanding to be conveyed more frequently that for the last minimum of six years the EPA has data on the flow of the four adits that indicate we have 300 million gallons of mine drainage water every year.”

The Gold King Mine is one of the four, along with the American Tunnel, Red & Bonita Mine, and the Mogul Mine.

“The 3 million gallons that was associated with the Aug. 5 release is one percent of that in a year,” Way said. “We were simply trying to address that source.”

The EPA apologized profusely for the Aug. 5 accident, which sent an ugly plume down the Animas.

But Way said the agency is “committed to following through on what we started and we’re working to fix what was impacted and continue to make efforts on what we committed to.”

Way said the EPA still intends to complete the bulkheading of the Red & Bonita Mine this summer, but whether the valve allowing flow from the mine adit will be closed remains to be decided.

Meanwhile Way said the EPA is working on stability and engineering plans for the Gold King adit.

“And we’re working on road stabilization in a few locations and as soon as that’s completed we’ll be able to initiate work at the portal after we get our design and supplies in place.”

That work, Way said, will involved “water management” such as putting in pipe to manage the flow through the winter.

Meanwhile, Way said that the flow from the Gold King portal is now averaging about 500 gallons per minute. That compares to an average of 75 to 100 gallons per minute in the months prior to the Aug. 5 blowout.

**From:** Bressler, Lindsey  
**Sent:** Thursday, August 20, 2015 12:32 PM  
**Subject:** RE: CO Mine Spill Clips - 8/20

## **Fox News**

<http://www.foxnews.com/politics/2015/08/20/before-colorado-mine-disaster-epa-project-caused-spill-in-georgia/>

### **Before Colorado mine disaster, EPA project caused spill in Georgia**

By Tori Richards

August 20, 2015

Still reeling from a disaster it created at a Colorado gold mine, the EPA has so far avoided criticism for a similar toxic waste spill in Georgia.

In Greensboro, EPA-funded contractors grading a toxic 19th-century cotton mill site struck a water main, sending the deadly sediment into a nearby creek. Though that accident took place five months ago, the hazard continues as heavy storms -- one hit the area Tuesday -- wash more soil into the creek.

The sediment flows carry dangerous mercury, lead, arsenic and chromium downstream to the Oconee River -- home to many federally and state protected species -- and toward the tourist destination of Lake Oconee.

Lead in the soil is 20,000 times higher than federal levels established for drinking water, said microbiologist Dave Lewis, who was a top-level scientist during 31 years at the Environmental Protection Agency.

He became a whistleblower critical of EPA practices and now works for Focus for Health, a nonprofit that researches disease triggers.

"Clearly, the site is a major hazardous chemical waste dump, which contains many of the most dangerous chemical pollutants regulated by the EPA," Lewis wrote in a 2014 affidavit for a court case filed by local residents that failed to prevent the EPA project: creating a low-income housing development.

### **The Guardian**

<http://www.theguardian.com/environment/2015/aug/20/epa-abandoned-mines-toxic-spill>

### **EPA says it isn't monitoring an estimated 161,000 abandoned mines**

The agency has said it doesn't monitor hundreds of thousands of abandoned mines, or know which one could be the source of the next big toxic spill

Karl Mathiesen

Thursday 20 August 2015 12.19 EDT

The Environmental Protection Agency (EPA) has said it has no system for monitoring hundreds of thousands of abandoned mines that pock the American landscape, or knowing which one could be the source of the next big toxic spill.

"EPA does not maintain records of the number of mines or tailings dams in the US," a spokesman for the federal agency told the Guardian. In the western US, the EPA estimates there may be 161,000 abandoned "hard rock" mines, where metals such as gold, silver and copper were once dug. But the nationwide threat left by these bygone miners remains largely unknown and unwatched.

Over decades, old mines fill up with rainwater. The concern for the humans and habitats around them is that this water, filled with heavy metals leached from mineshaft walls, will one day find its way into river systems. This can happen slowly or through sudden collapse. Two weeks ago, three million gallons of poisonous, orange water gushed from the long dormant Gold King Mine and fouled Colorado's Animas and San Juan rivers.

"The spills are frustratingly difficult or impossible to predict," said associate professor Ron Cohen, a mining engineer at the Colorado School of Mines. "I don't want to say they happen every day, but they happen several times a year around the southwest US, some big and dramatic, some small and not press-worthy."

The Damocles sword left hanging above communities is not restricted to the US. Worldwide spill data is limited, but reports collected by one website indicate at least several major incidents happen every year.

Cohen said: "Many of the spills are from a different feature than the Gold King Spill. Most are from failures of the dams that were poorly built for storing tailings."

He described seeing whole settlements in South Africa destroyed by such collapses. In Mexico last year, two major incidents shut off water to tens of thousands of people. The Mount Polley mine tailings dam collapse, one of Canada's worst environmental disasters, occurred just weeks earlier.

A recent study by environmental campaign group Earthworks found the rate of serious tailings dams disasters is increasing globally. According to the UN Environment Programme, abandoned mines and dams are a "major unresolved environmental and social problem for the industry".

How developing countries are paying a high price for the global mineral boom

[Read more](#)

In the US, tailings dams are monitored by state or federal agencies. But old mines are forgotten,

unless someone sounds the alarm.

“EPA does investigate or respond to incidents that are brought to our attention,” said the agency spokesman.

John Hayden, a public affairs executive at the Society for Mining, Metallurgy and Exploration (SMME), said quantifying the potential impact was impossible.

“Funding cleanup efforts is also complicated. Unless a state agrees to a designation as a federal superfund site, the state is often left with funding cleanup with limited budgets,” he said.

Unlike extractors of gas, oil and coal, hard rock mining companies do not pay a federal royalty. In 2012, a government report found the hard rock mining industry dug up \$6.4bn worth of minerals in 2011. If it had paid comparable royalties to those levied on fossil fuel companies (about 12%), the government would have received \$800m.

Reformers argue this money could be used to clean up abandoned mine sites, but moves to change laws have met resistance from congressional Republicans and the industry. One such amendment was introduced in February by Arizona congressman Raúl Grijalva.

Grijalva said the Gold King Mine collapse focused attention on the major threat to lives, health and the environment posed by “the toxic legacy of mining in the west”.

“While this particular incident was a mistake by EPA, the underlying problem is the huge number of abandoned hard rock mines that are effectively ticking time bombs threatening our rivers and our lands. Congress must provide robust funding to clean up these mines,” he said. Grijalva’s bill, which would skim a royalty of 8% from the income of mining companies who operate on federal land, remains in committee.

Under laws passed in the late 1970s, new mines have to pay a bond to cover the eventual cleanup

of the operation once it is done. A spokesman for the National Mining Association (NMA) said Grijalva's proposed royalty "would likely be the highest of any competing mining region in the world and would kill new investment, high-wage jobs and tax revenue to local communities".

Instead, the industry prefers a "good Samaritan" approach in which miners would voluntarily clean up threatening sites as part of their social programme. Existing liability laws currently prevent even this approach. Both industry and environmentalists have been calling for these laws to be amended for years.

But Bonnie Gestring, from Earthworks, said relying on the goodwill of miners and individuals "doesn't solve the fundamental problem, which is the need for a dedicated funding source to deal with thousands and thousands of mines".

The US Geological Survey does keep an incomplete dataset of mine sites. Some parts of the western states have been mapped by Earthworks (PDF links).

**From:** Bressler, Lindsey  
**Sent:** Thursday, August 20, 2015 11:00 AM  
**Subject:** RE: CO Mine Spill Clips - 8/20

**ABC Channel 7 News Albuquerque (NM)**

<http://www.koat.com/news/navajo-nation-seizes-epa-tanks-after-spill-claims-water-is-unsafe/34815756>

**Navajo Nation seizes EPA tanks after spill, claims water is unsafe**

By Matt Howerton

UPDATED 8:16 AM MDT Aug 20, 2015

NAVAJO NATION —Navajo Nation police have seized water tanks delivered to the Shiprock community in the wake of a devastating Colorado mine spill.

Many Navajo farmers and cattle ranchers use the San Juan for crops and livestock. The Navajo Nation has yet to lift water restrictions on the river, so the EPA has been delivering water to communities and storing them in large tanks.

However, President Russell Begaye believes that some of the water that the Navajo Nation is getting is not up to snuff.

Several reports have surfaced from farmers saying that the tank water is oily.

Begaye and other Navajo Nation leaders visited one of the tanks in Shiprock on Wednesday. A photo of Begaye holding a cup of water from the tank and with a black hand was taken and has spread across the Internet.

"I reached my hand into the tank and felt my hand getting oily," Begaye said. "There are these black beads in the water, and when you rub them, black streaks go down your hands."

It's unclear what the substance is.

Begaye ordered three water tanks delivered by the EPA seized by Navajo Nation police for evidence gathering.

This is the latest in a series of frustrations for the nation.

Last week, Begaye accused the EPA of not being straightforward about the spill. He's also asked residents not to fill out claim forms for damages, saying that they may keep people from getting bigger payouts down the road.

Begaye said he is considering suing the EPA.

The EPA could not be reached for comment.

### **ABC Channel 7 News Denver (CO)**

<http://www.thedenverchannel.com/news/mine-disaster/7news-travels-with-attorney-general-cynthia-coffman-to-see-gold-king-mine>

### **7NEWS travels with Attorney General Cynthia Coffman to see Gold King Mine site**

Marc Stewart

10:46 PM, Aug 19, 2015

DURANGO, Colo. - 7NEWS was the only Denver television station traveling with State Attorney General Cynthia Coffman as she toured the Gold King Mine Wednesday.

During our trip, we saw the many retention ponds set up to collect the mine waste that's still leaking, just outside of Silverton.

7NEWS reporter Marc Stewart also had a chance to see the exact spot where the 3 million gallons of toxic sludge started spewing, at more than 11,000 up.

The Attorney General stressed the need for a long-term plan to deal with the thousands of abandoned mines in Colorado.

“There are plans for many of these mines that people have heard about. It’s a question of resources and prioritization,” Coffman said.

Officials from the EPA tell us they still need to fully contain the leak. They say even though colder temperatures will soon move in, the sludge won’t freeze. They also need to rebuild some of the roads and stabilize the land near the property.

### **Albuquerque Journal (NM)**

<http://www.abqjournal.com/631028/news/nm-environment-department-to-probe-spill.html>

### **New Mexico will investigate mine spill**

By Maggie Shepard / Journal Staff Writer

PUBLISHED: Thursday, August 20, 2015 at 12:02 am

Gov. Susana Martinez has added the state Environment Department to the list of agencies investigating the Aug. 5 spill of millions of gallons of toxic gold mine wastewater into the Animas River.

Most of the heavy metals in the water have settled to the bottom of the river, which flows from

the spill site in Silverton, Colo., into New Mexico, where it joins the San Juan River, and flows through the Navajo Nation and on to Utah.

Water use restrictions have been lifted, but the investigations into the cause and federal Environmental Protection Agency response to the spill are now underway.

The EPA and Interior Department are both investigating. The Navajo Nation launched its own plans for a lawsuit. And, on Wednesday, Martinez said the state Environment Department will do its own investigation into the spill.

“New Mexicans deserve answers as to why this catastrophe happened and why the EPA failed to notify us in a timely manner,” the governor said in a statement. An appropriation of \$400,000 that is already in place for litigation will fund the state investigation, NMED spokeswoman Allison Scott Majure said Wednesday.

“As New Mexico’s lead agency for the initial response to the Gold King mine spill, the New Mexico Environment Department encountered multiple data gaps and operational miscues in U.S. Environmental Protection Agency’s handling of the spill event,” Majure said in a statement.

NMED Secretary Ryan Flynn and the agency’s chief counsel, Jeff Kendall, will lead the investigation.

“The results will help us to ensure that EPA is held accountable and that New Mexico is fairly compensated,” Majure said.

Meanwhile, New Mexico’s two U.S. senators, Tom Udall and Martin Heinrich, joined senators from Colorado and Utah on Wednesday to urge the Environmental Protection Agency’s Office of Inspector General to examine 13 specific questions about the spill.

“The release of contaminated water from this legacy mine has polluted the Animas River in

Colorado and spread through New Mexico, Utah, the Southern Ute Indian Reservation, and the Navajo Nation,” the senators wrote in a letter to EPA Inspector General Arthur A. Elkins. “Although the EPA has taken responsibility for this disaster, the OIG investigation and report will assist in determining the details of the accident, provide a better opportunity to improve future remediation projects, and prevent spills of this nature at other legacy mines across the West.”

Among the 13 questions is Martinez’s concern about the timeliness of the EPA’s alert about the spill.

The EPA has apologized for the toxic spill, which released lead, arsenic, cadmium and other heavy metals into a tributary of the river.

The spill caused five New Mexico water systems, including those of Farmington and Aztec, to temporarily stop pumping water from the river, forcing them to rely instead on water storage reserves. It also halted recreational activities and irrigation use of the affected rivers.

Martinez issued a state of emergency in the aftermath of the mine spill, freeing up emergency state funding.

### **Albuquerque Journal (NM)**

<http://www.abqjournal.com/628111/news/initial-well-tests-good-but-uncertainty-remains.html>

### **Initial well tests good, but uncertainty remains**

By Ollie Reed Jr. / Journal Staff Writer

PUBLISHED: Friday, August 14, 2015 at 12:02 am

FARMINGTON – Don Dufur’s hand and the cigarette in it shook visibly as he put the plastic bucket of rusty red water down near the water-testing station at the San Juan County Fairgrounds.

“This is out of my well, my main source of drinking water,” he told the people manning the station. “Usually it comes out crystal clear.”

He took a step back, his hand shaking even more noticeably.

“I’m just a little upset,” Dufur said. “Not at you guys. Just at the situation.”

The situation is the spill of contaminated water from an abandoned mine north of Silverton, Colo., into the Animas and San Juan rivers that run through this part of New Mexico.

Fear of the unknown is the most noticeable residue left behind by the pumpkin-colored plume of heavy metal-tainted water that coursed through the rivers.

Hundreds of people have brought samples of their well water in for testing at the fairgrounds station, which is staffed by New Mexico Environment Department and Environmental Protection Agency personnel, and contractors hired by the EPA.

So far, early testing shows well water has not been contaminated by the nasty sludge – but that it does actually have a higher level of naturally occurring minerals than the polluted river.

That was the case for Dufur.

Durfur lives on the south side of Aztec, a hundred yards or so from the Animas River. He had not been too concerned about his well water until a drop in water pressure at his home on Tuesday prompted him to break down his well and do some maintenance work. When he turned it back on, the rusty red muck gushed out.

Dennis McQuillan, chief scientist with the New Mexico Environment Department, tested the water from Dufur's bucket.

"It's mineralized groundwater," McQuillan told Dufur. "It's not chemicals. It's mud. I think you stirred up some sediments on the bottom when you were working on your well."

Good news. But, taking no chances, McQuillan and Jenna Manheimer, an environmental scientist with the EPA's Dallas office, went to Dufur's home to test the well on site.

The NMED and the EPA have teamed up to draw water samples from dozens of wells along the Animas and the San Juan, especially those within 500 feet of the rivers. Samples they collect are sent to a lab in Albuquerque for analysis.

What McQuillan and Manheimer found at Dufur's place is that the groundwater is only about 18 inches below ground, meaning Dufur's well is pumping groundwater and not river water.

After Dufur primed his well and started it up, the water ran muddy for a few minutes and then cleared up.

"You're good to go," McQuillan told Dufur. "Your water is hard enough to walk on. The river water is much softer. This is not river water. The good news is you're not going to get sick from contaminated water. The bad news is you've got hard water."

A much relieved Dufur took that news just fine.

McQuillan said initial testing of wells along the Animas and the San Juan have shown well water that is more mineralized than the river water. That's a positive thing in that it means wells are drawing ground water and not river water that might be contaminated.

"We dodged a bullet," he said. "At this time – in the middle of August – the groundwater is flowing into the river and diluting the sludge as it comes down."

McQuillan said the mineral content in the rivers in the Farmington and Aztec area is less than it is in the Animas near the source of the release near Silverton.

McQuillan said, too, that there has not as yet been any fish dying off in the affected rivers. Caged fish put in the river for testing have survived, he said.

"If this stuff was highly toxic, they would all croak," McQuillan said of the fish.

But until officials are confident that the river water is safe, residents of the affected areas are being urged to conserve water in order to make reserve supplies in local water systems last as long as possible.

Farmington city officials said citizens have responded admirably, reducing water usage by 30 percent in the past week.

Farmington originally estimated that reserves it had on hand prior to the contamination would last three months. Now the city believes it has enough reserve water for five months.

Meanwhile, rain has helped some farmers who have been unable to draw irrigation water from the ditches since Friday.

Pam Elder of Elder's Greenhouse & Garden in Aztec was among farmers selling produce at a growers' market Tuesday at the Farmington Museum and Convention and Visitors Bureau.

Her regular irrigation day is Thursday, so she got water on her vegetable gardens before the contaminated water came through Aztec and Farmington on late Friday and early Saturday.

"And we had a wonderful rain on Friday and water trucks came today (Tuesday)," Elder said.

There was more rain in the area on Tuesday night. And the San Juan County extension service is organizing water trucks, paid for by the EPA, to help out.

"We'll do what we do and take it a step at a time," Elder said. "But our county has stepped up and done a wonderful job trying to help the farmers and the livestock growers, and that has helped offset some of the frustration."

### **Aspen Times (CO)**

<http://www.aspentimes.com/news/17756159-113/aspen-times-weekly-could-a-mine-waste-spill-happen>

Aspen Times Weekly: Could a mine-waste spill happen here?

By Scott Condon

8/20/15

Stirling “Buzz” Cooper recalls venturing into the Lower Durant Mine on Aspen Mountain as a kid in World War II-era Aspen.

The owner of the mine at the time charged tourists 50 cents to go on a tour that started one-half block from the Glory Hole, now site of a city park. “I went in a couple of times with tourists,” Cooper said.

The big attraction was a waterfall in the interior of the mine, maybe as much as a mile inside, Cooper said. The water came out the same adit, or tunnel, as the tourists entered.

“You could walk along the rails and the ditch was off to the side,” Cooper said.

His dad, owner of Cooper Books, used flash photography to capture the image. He used the picture on postcards he sold highlighting the Durant Waterfall (see photo, above).

Cooper’s experience is no longer possible but take a ride up the Silver Queen Gondola or a walk up Smuggler Mountain Road and Aspen’s mining heritage still pops out. Numerous openings are still visible on Aspen Mountain and evidence of collapsed mines is easy to spot. The Smuggler Mine Tours provide a bona fide glimpse into Aspen’s rich mining history.

Water drains into water table

Pitkin County has between 600 and 800 mine features, including multiple adits into the same mine, according to an estimate by the Colorado state government. And as Cooper’s experience shows, there are Aspen mines that are filled with water — but just because there’s water, that doesn’t mean it’s contaminated water.

Still, that hefty inventory of adits and shafts makes it reasonable to wonder if something similar

to the discharge of 3 million gallons of toxic water from the Gold King Mine near Silverton into the Animas River earlier this month could happen in Aspen (see story, page 33).

State and federal officials as well as miners with street credibility will never say never, but a similar disaster in Pitkin County is unlikely, in large part because of geology, they agreed.

Aspen Mountain's mines tended to be internally drained to the water table, so "there is generally no significant surface drainage discharges associated with the underground workings," said Bruce Stover, an official with the Colorado Inactive Mine Reclamation Program. That means there is a "very limited possibility" of underground impoundments of water being formed, he said.

Mines in the San Juan Mountains and other parts of the state have water above the surface. Toxic water was intentionally captured inside the Gold King Mine. It breached when the U.S. Environmental Protection Agency undertook a reclamation effort.

Aspen miners tended to encounter water below the level of the water table and Roaring Fork River, said Jay Parker, a partner in the Compromise Mine on Aspen Mountain and a miner and tour guide at the Smuggler Mine.

The water emerging from Aspen's mines hasn't been found to be acidic or laced with heavy metals in any testing to date. In one of Aspen's few hard-rock mine reclamation projects, water in Castle Creek tested similarly above and below where the Hope Mine discharged, according to Forest Service records.

Parker said water draining from the Compromise Mine on Smuggler Mountain feeds ponds where fish thrive and ducks gather.

Local Mine reclamation aimed at safety

Many of Pitkin County's mines have collapsed, either naturally or by public agencies for safety reasons.

"Our records show we have safeguarded approximately 90 hazardous, non-coal openings in Pitkin County, many of them on Aspen Mountain," said Stover. Numerous closures have also been completed on coalmines in the Coal Basin and Thompson Creek areas.

The Forest Service typically performs safety closures on three or four mines per year, according to Greg Rosenmerkel, engineering, minerals and fleet staff officer on the White River National Forest. "There are hundreds of mines across the forest."

The focus of both the Forest Service and the Inactive Mine Reclamation Program is to prevent people from entering an unsafe situation. Old mining timbers have often rotted, making interior travel perilous. Air deep underground can be toxic without proper ventilation.

"It's almost an attractive nuisance," Rosenmerkel said of the old mines.

A recent closure was completed earlier this summer at three mines in the high ground beyond Crystal. The typical closure costs \$200,000, though no two projects are the same, he said.

Both the Forest Service and Inactive Mine Reclamation Program are focused on finding mines that pose a physical hazard, such as ones located in a ski area or adjacent to a popular hiking trail, and safe-guarding them.

No toxic water impounded

If Forest Service or Bureau of Land Management officials suspect environmental issues, the state Water Quality Control Division is mobilized to test for acidity or metals. If a problem is found, the Inactive Mine Reclamation Program figures out how to solve the problem. If an environmental problem is suspected with a mine on private lands, the Forest Service might be

involved if it affects public lands, Rosenmerkel said.

The Hope Mine in Castle Creek Valley warranted remediation while the Ruby Mine in Lincoln Creek Valley has raised concerns but hasn't been found in need of monitoring (see related stories), according to officials.

Rosenmerkel said there is no situation in the Aspen-Ranger District where water as toxic as that in the Gold King Mine is being impounded.

The Roaring Fork Conservancy, a Basalt-based nonprofit focused on water quality and quantity issues in the valley, doesn't specifically test to see how water coming from mines affects rivers and streams in the basin.

"Outside of Ruby, I don't know if we have a big enough problem or big enough source," said Rick Lofaro, the conservancy's executive director.

## **Bloomberg**

<http://www.bloombergview.com/articles/2015-08-20/make-the-gold-king-mine-spill-a-turning-point-for-the-epa>

## **The Silver Lining of the Gold King Mine Spill**

AUG 20, 2015 10:01 AM EDT

By The Editors

On the morning of Aug. 5, high in the Colorado Rockies, contractors for the U.S. Environmental

Protection Agency were digging through dirt and rock at the entrance to a century-old gold mine, concerned about the toxin-laced water that had been leaking out. "All of a sudden," in the supervisor's words, "there was a little spurt." Within hours, 3 million gallons of water heavy in arsenic, lead and aluminum had turned the Animas River mustard yellow.

The Gold King Mine rupture has been a tragedy for the Animas River basin, the kayakers and fishermen who enjoy it, and the towns that depend on it. It's also a blunt warning to the EPA to do a better job of cleaning up heavy metals left behind in the country's 500,000 abandoned mines.

Almost half of river headwaters in the West are polluted by the toxic runoff from old mines. Only some of them are included in the EPA's Superfund program, and even those may not be fully cleaned up for years. Last year, congressional Superfund appropriations amounted to just \$800,000 per site, a fraction of the average cleanup cost.

Scarce resources are no excuse for sloppy work, however. Congressional investigators are looking into why the EPA didn't do more to find out how much toxic water was inside Gold King before using heavy machinery to open it. The agency needs to answer that question publicly and tighten its procedures accordingly.

At the same time, the EPA also needs to expand its cleanup efforts. In Colorado alone, at least 230 mines are releasing the equivalent of one Gold-King-size discharge every two days, according to the Denver Post. Cleaning up the abandoned mines nationwide is expected cost as much as \$54 billion.

The mining industry should help foot the bill. Unlike the oil and gas sector, companies that extract gold, silver, uranium and other heavy metals from federal lands pay no royalties to the government. Legislation in the House of Representatives would fix this by amending the 1872 law that still governs mining.

Congress could also make it easier for local governments, conservation groups and others to launch their own cleanup efforts by amending the law governing such operations. As things stand, any group that works on a mine becomes legally responsible for environmental damage the mine has already caused.

Gold King will probably become shorthand for what happens when the EPA moves too fast and too clumsily. But if it prods the agency and Congress to do a better job of cleaning up mines, the ugly spill could also be remembered as a turning point in environmental safety.

### **Crested Butte News (CO)**

<http://crestedbuttenews.com/2015/08/local-officials-ask-state-for-water-plant-insurance/>

#### **Local officials ask state for water plant insurance**

August 20, 2015

By Adam Broderick

The Gold King mine near Silverton leaked nearly three million gallons of toxic water into the Animas River two weeks ago, and sparked conversations regarding how to prevent something similar from happening elsewhere across the state.

On Tuesday, August 18, Gunnison County Commissioners and the Crested Butte Town Council agreed to send a joint letter to the Colorado Department of Public Health and Environment requesting that the Water Quality Control Division (WQCD) make it possible once again to ensure that area residents and visitors remain safe in the potential event that operations cease at the Water Treatment Plant west of Crested Butte on Mt. Emmons at Coal Creek.

Coal Creek supplies Crested Butte with drinking water and also has agricultural and recreational uses. Drainage from abandoned mines on Mt. Emmons flows into Elk Creek, then into Coal Creek, then through town.

According to the letter, the environmental and human health consequences of any release of untreated mine drainage are beyond our local governments' response capacity. And since U.S. Energy, the corporation that owns the molybdenum mining rights on Mt. Emmons and is legally obligated to operate the plant, recently released an unhealthy financial report (showing an \$11.4 million decrease during the first half of 2015 compared to the first half of 2014), Gunnison County and the town of Crested Butte decided the best bet would be to ask the state to strongly oversee the waste water treatment plant permits issued to U.S. Energy.

The intention is for the WQCD to reopen a permit renewal process for the mine's discharge permit, which regulates the water treatment plant. As part of that process, WQCD would impose new permit conditions requiring U.S. Energy to satisfy financial and ethical responsibilities should the company no longer be capable of complying with its discharge treatment requirements.

County attorney David Baumgarten explained that a number of years ago the county, together with the town of Crested Butte, requested from the WQCD that there be an addition to the discharge permit.

"We asked for financial security should there be a lapse in operation. The state said they did not have the authority to do so at the time. That conversation has since been highlighted by what has happened in other locations in Colorado with mine spillage," Baumgarten said.

According to the letter to WQCD, the financial condition is especially alarming because the treatment plant uses outdated technology and has now exceeded its expected life by almost 20 years.

"We respectfully request that the WQCD reopen the permit renewal process... and also work with other state and federal agencies to impose financial requirements or take other actions to protect the public against the environmental and human health catastrophe that would ensue if U.S. Energy failed to operate the water treatment plant," the letter read.

"Waiting until the problem rises to the level of CERCLA [the Comprehensive Environmental Response, Compensation, and Liability Act of 1980] enforcement action is an untenable

alternative because of the environmental and human health consequences that would precede such an action,” the letter continued.

Baumgarten told the News that state officials responded promptly and diligently to the county’s most recent mine-related request so he trusts they will be equally responsive to this request. “Our trust is that – while the current request by us will have to be discussed internally by the state over a period of time – the state officials will be equally responsive,” he said. Baumgarten believes an internal conversation will begin immediately.

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**Daily Times (NM):**

[http://www.daily-times.com/four\\_corners-news/ci\\_28670961/navajo-nation-confiscates-water-tanks-after-mine-spill](http://www.daily-times.com/four_corners-news/ci_28670961/navajo-nation-confiscates-water-tanks-after-mine-spill)

**Navajo Nation confiscates water tanks after mine spill**

Tribal president visits tank sites, finds unknown substance

By Noel Lyn Smith

UPDATED: 08/19/2015 10:00:50 PM MDT1

FARMINGTON — Navajo Nation President Russell Begaye on Wednesday ordered tribal police to confiscate water tanks delivered to Shiprock that were intended to hold water that residents could use to irrigate crops and water livestock.

Tribal officials were concerned about what they said was contamination in the tanks.

The tanks were needed after more than 3 million gallons of toxic wastewater was accidentally released Aug. 5 from the Gold King Mine north of Silverton, Colo., into the Animas and San Juan rivers. Officials along the rivers, including those with the Navajo Nation, had closed access to the rivers and warned against using the water for any purpose. Most restrictions had been lifted by Wednesday, but Nation officials were still waiting for testing results.

Begaye said in a telephone interview on Wednesday that he made his decision to confiscate the tanks after visiting three tank sites and after discussing the situation with U.S. Environmental Protection Agency officials, even though they assured him the tanks were suitable to store water.

The president said during his inspection, he filled a cup with water from one of the tanks then noticed unknown material floating in the water.

"So what I was told was a complete lie," Begaye said, adding that the tanks will be kept as evidence and will not be hauled from the Navajo Nation.

In the meantime, the president said new tanks will be delivered by the Bureau of Indian Affairs Navajo Region in cooperation with the EPA. He said the EPA agreed to use water from Navajo Agricultural Products Industry rather than from the city of Bloomfield, which had been supplying water.

The president's decision comes after Shiprock Chapter's farm board member, Joe Ben Jr., complained about the condition of 11 tanks delivered to the chapter by Triple S Trucking.

Jason Sandel, executive vice president of Triple S Trucking, said the company was hired by Environmental Quality Management on behalf of the EPA, to deliver the tanks.

"We are doing the job that we were hired to do and in the best of our ability," Sandel said in a telephone interview on Wednesday.

He explained that each tank holds 16,800 gallons and said they are being used to hold non-potable water.

Non-potable water is meant to be used for irrigation and watering livestock but not for drinking.

Sandel said since the mine spill, the company hauled tanks to areas from the Colorado-New Mexico state line to the Navajo Nation, including deliveries to Aztec and Kirtland.

"We've been delivering tanks all over the county without complaint," he said.

On Tuesday, Ben said Triple S Trucking delivered and placed the tanks at Chief Hill, Salt Wash, Area 3 East, Area 3 West, the Northern Navajo Nation Fairgrounds, and near the chapter house.

He alleges the tanks are not suitable for irrigation or livestock because he noticed water from the tanks was brown and had a noticeable film and odor.

"We are seasoned farmers. We know what we are talking about. We grew up playing in the mud," Ben said while examining a pool of water at the base of one of the tanks at Area 3 East. The tank was labeled with signs stating, "Non Potable Water" and "Caution: Do not use until further notice." The advisory not to use the water was posted by Nation officials.

Rusty Harris-Bishop, a public information officer in the Joint Information Center in Durango, Colo., said in a statement on Wednesday that following the closure of the San Juan River by the Navajo Nation, the EPA's Region 9 worked to provide alternative agricultural and livestock water supplies for community members in Shiprock.

Harris-Bishop explained the water distributed by the EPA was provided by the city of Bloomfield's utility company and met all applicable federal and state water quality standards.

The tanks were used for "the exclusive distribution of non-potable water" and the EPA will comply with the tribe's request to use a water source permitted on the Navajo Nation, he wrote.

In a follow up call on Wednesday morning, Harris-Bishop said 13 tanks were delivered to the chapters of Shiprock, Upper Fruitland and Gadii'ahi-Tokoi. He did not provide further details and said the EPA was working on a press release about the issue.

On Wednesday afternoon, a video featuring the tribe's attorney general, Ethel Branch, was posted on the president's Facebook page.

In the video, Branch states that the administration had a meeting on Monday with an EPA official who said there was no issue with the tanks.

"We've had repeated conversations with this EPA official, he's repeatedly confirmed these tanks are fine," she said.

Branch goes on to explain that the president inspected one of the tanks on Wednesday.

She then holds a white cup containing yellowish water up to the camera and says, "You can see the little floating things. If you take those out and you rub them it streaks. It's clearly oil."

She explains that she and Begaye, who stood next to her, placed their hands on a portion of the tank where water comes out and their hands were darkened.

"That is clearly oil. There's oil in these tanks. We don't trust the EPA to be here. They need to get out of our nation. Send the dollars directly here, let us take care of these issues ourselves because we care about the health and welfare of our people," Branch said.

With the tribe's irrigation and ditch systems shut down, Mitten Rock residents Byron and Tonita Nelson were using delivered water to irrigate their squash, melons and corn, which they were growing on 11.8 acres they lease in Shiprock.

The couple drove to Farmington on Monday and purchased a large plastic water tank, a gas powered pump, a hose and fuel. After filling the tank with non-potable water from the station set up by the BIA Navajo Region at the Shiprock rodeo grounds, they pumped the water to start irrigating a field on Tuesday.

"We're trying to keep our plants alive. ...It's a way of life for us. It's what we've learned," Byron said.

"It gave us a lot of things," Tonita said while looking at the plants.

She said during a recent sale, some customers were skeptical about purchasing the produce and asked if it came from contaminated plants.

After answering their questions, she said, "Slowly, they'll trust us then they'll buy."

### **Denver Business Journal (CO)**

<http://www.bizjournals.com/denver/news/2015/08/19/9news-mine-owners-pointing-fingers-after-blowout.html>

### **9News: Mine owners pointing fingers after blowout polluted Animas River**

Aug 19, 2015, 4:39pm MDT

Silverton — During a tour of the area where the Gold King mine blew out earlier this month — sending toxic water down the Animas River — the owner continued to try to place blame on a neighboring mine.

Todd Hennis, Gold King's owner, said he believes an increase of toxic water in his mine is the result of the neighboring Sunnyside mine, which was plugged by concrete bulkheads in the 1990s when the mine closed down.

"It's just been a disaster," Hennis told 9News during a tour on Tuesday. "But it's a man-made disaster."

But after Hennis began pointing a finger at the Sunnyside mine last week, Sunnyside Gold, the Canadian-owned mining company in control of Sunnyside, categorically denied Hennis' claim. The company claimed there is no physical connection between the two mines.

### **Denver Post**

[http://www.denverpost.com/news/ci\\_28669132/colorado-utah-attorneys-general-feds-are-withholding-gold](http://www.denverpost.com/news/ci_28669132/colorado-utah-attorneys-general-feds-are-withholding-gold)

### **Colorado, Utah attorneys general: Feds are withholding Gold King facts**

By Jesse Paul

POSTED: 08/19/2015 05:57:36 PM

GOLD KING MINE — The attorneys general of Colorado and Utah visited this still-festering site on a fact-finding mission Wednesday and left feeling the Environmental Protection Agency had not provided them with the whole picture.

"There's a list, honestly," Colorado Attorney General Cynthia Coffman said of her questions.

Coffman and her Utah counterpart, Attorney General Sean Reyes, are among a group that have said legal action against the EPA is being weighed after the agency's Aug. 5 wastewater spill in the San Juan County mountains above Silverton.

The spill sent 3 million gallons of contaminated water surging into the Animas and San Juan rivers.

New Mexico's attorney general said last week he is considering a lawsuit, and Navajo Nation leaders, whose community arguably has been most impacted by the disaster, said they will sue.

After the abbreviated visit to the Gold King's portal and some discussion with EPA officials on scene, Coffman said she wants to see the agency's work order from the day of the disaster. Reyes said the EPA was still holding back.

Coffman said she agreed.

The attorneys general said legal action against the EPA is not imminent. Their first priority, they say, is to make sure the EPA keeps its word to compensate groups affected by the spill.

"It's not a rush to the courthouse," Reyes said. "Usually that leads people down the wrong path."

A spokeswoman for the EPA at the scene declined to comment on the officials' sentiments that the agency was not being fully forthcoming.

Yellow-orange, contaminated water continued to cascade from the Gold King on Wednesday at a rate of about 600 gallons per minute as Reyes and Coffman surveyed the site wearing hard hats, reflective vests and steel-toed boots.

In the area surrounding the portal, debris, including wooden pilings that long ago held the mine's opening in place, were strewn about, apparently tossed like crumpled paper when the spill occurred.

Allen Sorenson, a geoengineer with the Colorado Division of Reclamation Mining and Safety, told the attorneys that wastewater from the Gold King likely had built up after bulkheads were built in tunnels — specifically linked to the Sunnyside Mine — below.

"The installation of the bulkheads is returning the groundwater table ... to its pre-mining condition, so the water table is higher," he said. "When the water table intersects an open mine working, that's the path of least resistance and the water comes out."

Sorenson called the Gold King "pretty dry" before bulkheading at 11 sites was completed below, finished over the years as the Sunnyside and American Tunnel were plugged with engineered concrete blockages.

"It's just that the entire regional groundwater table has been elevated," Sorensen said.

Officials during the tour said their cleanup priorities at the Gold King are to secure the mine's portal, continue treating the contaminated fluid flowing from the site and construct a commercial water treatment apparatus before winter.

An agency spokeswoman said Wednesday she did not know when the apparatus would be in place, how much it would cost or where exactly it would be constructed.

The Gold King is one of several mines in the area — called the Upper Animas Mining District — leaching contaminated water into Cement Creek. Communities downstream in the Gold King calamity's wake have called for some kind of treatment system in the area to cleanse water before it enters the Animas River and later the San Juan River.

Many want the site to be designated by the EPA as a Superfund location. Below in the town of Silverton, however, residents have long fought Superfund designation out of fear that it could diminish their bottom line.

The town of about 650 full-time residents worries such a label could keep away tourists, who fuel the local economy.

Coffman says she still has "a lot of questions" and will continue digging into the events that led to the Gold King spill.

"I am not convinced this is still not an (ongoing) environmental catastrophe," Coffman said, adding she worries there will be effects from the Gold King spill for years to come.

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#### **Deseret News (UT)**

<http://www.deseretnews.com/article/865634936/Utah-Attorney-General-Sean-Reyes-visits-site-of-Gold-King-Mine-spill-speaks-with-EPA-officials.html?pg=all>

#### **Utah Attorney General Sean Reyes visits site of Gold King Mine spill, speaks with EPA officials**

By Ben Lockhart, Deseret News

Published: Wednesday, Aug. 19 2015 8:25 p.m. MDT

SALT LAKE CITY — Utah Attorney General Sean Reyes joined the attorney general from Colorado on Wednesday to tour the mine site where a massive toxic spill occurred earlier this month.

Reyes called it a "fact-finding tour" at the Gold King Mine in southwest Colorado, about 150 miles from the state's border with Utah, to assess the impacts on the area and determine the role of the Environmental Protection Agency in the disaster.

On Aug. 5, 3 million gallons of water containing lead, arsenic, zinc, mercury and cadmium were unleashed from the abandoned mine site into the nearby Animas River while EPA crews worked in the area.

The EPA reportedly caused the water to spill while attempting to measure the depth of the contaminated de facto reservoir.

Reyes said the EPA showed him and other government officials around the mine site, but the agency was wary about releasing specific information about the spill.

Reyes said earlier this month and reiterated Wednesday that he is considering legal action against the EPA, depending on both its responsibility for the spill and its response to it.

Citing an ongoing Department of the Interior investigation, EPA workers are delaying the release of some details about what precisely caused the Gold King Mine spill.

"Part of the reason we came here was to separate myth from fact," Reyes said in a conference call Wednesday. "I'll be honest, the EPA was very accommodating, but their people were extremely careful and guarded, as you might expect, in the information they would share with us and often deferred to others in the agency or decided not to comment to potentially protect the agency. What information we did get was still very helpful to us."

Reyes said some residents in the Silverton, Colorado, area are suspicious that the EPA, wanting to make a political statement, intentionally caused the 3 million gallons of toxic water to spill from the abandoned mine. For many years, the EPA reportedly considered the area around the Gold King Mine as a potential Superfund environmental cleanup site, but the agency met

opposition and eventually relented.

No evidence currently points to the spill being intentional, Reyes said, but he noted he and his legal team are still gathering what information they can.

"I actually asked them point-blank if they were aware of any evidence that might support the suspicion that people have about purposeful motives, and they categorically denied any of that," he said.

The scope of the site where the spill occurred is visually stunning, according to Reyes.

"Where the release occurred, there was a large gaping hole. I don't want to even guess the dimensions," he said.

The yellow sludge that polluted the San Juan River and threatened Lake Powell in Utah after the spill has dissipated and is no longer visible. Acidity levels in those Utah water bodies are measuring normally, according to Donna Spangler, spokeswoman for the Department of Environmental Quality.

"We're going to assume that maybe it's in there mixed around, but we really don't have any evidence to say conclusively that it's entered Utah," Spangler said.

Still, environmental and wildlife officials in the region are concerned that water sources and multiple species will need to be monitored closely for a matter of years to detect the possible effects of the toxic water on fish and other wildlife.

"It disrupted and halted recreation, swimming, boating, fishing," Reyes said. "It's impacted irrigation farming and ranching, tourism and our recreation-based economy."

Farmers in Kane and San Juan counties have said they're nervous about how to water their crops and feed their livestock and other animals, the attorney general said.

Reyes promised repercussions for the EPA if the agency skirts its obligations the environmental disaster's aftermath.

"(We will) discuss the possibility of legal actions if the EPA does not live up to its commitment to be fully accountable for the injuries and damages that they incurred," he said.

### **Durango Herald (CO)**

<http://www.durangoherald.com/article/20150819/NEWS01/150819552/Attorneys-general-hear-account-of-mine-spill->

### **Attorneys general hear account of Gold King Mine spill**

By Jonathan Romeo

Herald Staff Writer Article Last Updated: Wednesday, August 19, 2015 11:03pm

Situated nearly 11,400 feet above sea level deep in the San Juan National Forest, the long-abandoned Gold King Mine is now surrounded by a flurry of activity from various state and federal agencies working to contain and treat wastewater leaking as a result of a catastrophic spill earlier this month just outside the small mountain town of Silverton.

Below the mine's opening, the 3 million gallons of contaminated water that broke through a natural barrier has left the mountainside ravaged with downed trees, mass erosion and an orange

tinge that has become the signature image of the spill. The spill came Aug. 5 when a crew contracted to work with the Environmental Protection Agency accidentally breached a barrier.

Even today, Cement Creek – a tributary flowing to the Animas River – rushes with the tainted sludge that contains a number of heavy metals.

On Wednesday, attorneys general Cynthia Coffman of Colorado and Sean Reyes of Utah visited the mine for the first time since the incident, searching for a better understanding of events that led to the spill and to see firsthand the EPA's plan for the cleanup.

"It helps to understand the complexity of the situation that we're dealing with," Coffman said. "This is not simple, and I think people need to understand there is not a quick fix with this. We're in it for the long haul."

Allen Sorenson, a geoengineer with the Colorado Division of Reclamation, Mining and Safety, said the EPA has three primary goals it seeks to accomplish before winter:

Fix the narrow and rocky county road that leads to the mine for easier access.

Stabilize the mine's opening.

Set up a viable water-treatment system that includes retention ponds that will last until next spring.

When The Durango Herald visited the contamination site Wednesday, La Plata County construction crews were working to improve County Road 10, which was severely damaged when the flood of wastewater cascaded down the valley two weeks ago. In that time, the EPA has installed five retention ponds, though Sorenson said those holding tanks are only temporary.

The ponds allow water-treatment chemicals the time the agents need to drop out the contaminants absorbed in the mine, and environment officials hope that will increase the pH levels in the stream and drop heavy metals from effluent. Although water levels have been deemed nonthreatening to human health, far more uncertainty exists about the orange sediment settled on the river floor.

Most of the tour was dedicated to explaining to the attorneys general and their staffs, as well as select media, the sometimes confusing and opaque details of the spill.

The heavily mined region contains two major mining systems: One near Gold King Mine includes several other sites, and a much larger network, Sunnyside Mine, farther off into the San Juan National Forest.

The mining network of shafts and tunnels creates easy flow paths for ground water, which pick up toxic materials such as lead, arsenic and cadmium. The water eventually makes its way to the Animas River, causing health concerns.

Previous mine owners in the region responded to contaminated runoff by installing a plug in an existing drainage way called the American Tunnel, effectively returning outflows at the Sunnyside Mine to pre-mining levels.

However, over the years, the shafts within Sunnyside filled, and water shifted through the ground toward the network that includes Gold King Mine, which Sorenson said was relatively dry at that time.

That's when the EPA stepped in to treat the leakage, Sorenson said, adding that recent work was not concentrated on Gold King Mine. Rather, most of the remediation was occurring at the nearby Red and Bonita site.

"The EPA's project this year is plugging the Red and Bonita, which is one of the biggest (contaminates) of Cement Creek and, subsequently, the upper Animas," Sorenson said. "It's a

step-by-step process, and that is this year's primary step."

On Aug. 5, a crew of about five or six EPA workers and hired contractors went up to Gold King Mine in an attempt to install a pipe that would have diverted leakage there to treatment ponds located at Red and Bonita. That's when whatever was holding the water back – Sorenson couldn't say exactly what – collapsed and a wall of water began moving through unconsolidated soil and debris.

"It didn't come out in a complete rush. They had time to see that something was developing that was problematic, and they had sufficient time to clear the immediate area," said Sorenson, who wasn't at the scene but talked to the workers afterward. "That was a very large amount of water that came out in a very short period of time."

In 24 years of working with mines in the region, Sorenson said the situation surrounding Cement Creek is one of the most difficult he's seen, even before the spill further complicated matters. The EPA will continue to stabilize Gold King Mine while it concentrates on remediation at Red and Bonita.

But as for the long-term solution: "That's still being analyzed," he said.

Coffman said the tour was helpful – providing a picture of where events actually took place. The day gave her a chance to ask questions of the EPA and people with knowledge of the mine.

She remained noncommittal on whether her office would file a lawsuit against the EPA, reiterating she would rather avoid litigation if possible.

"Gold King is not an isolated situation. We know there's a cobweb of these mines. This has been on a prioritization list ... so there are plans for many of these mines that people have not heard about," she said.

“But there’s no question that this spill has focused attention on this spot and the area around Silverton. ... I think we’re still talking about some weeks before we put together all the pieces of the puzzle.”

### **Huffington Post**

[http://www.huffingtonpost.com/carol-pierson-holding/valuing-nature\\_b\\_8009856.html](http://www.huffingtonpost.com/carol-pierson-holding/valuing-nature_b_8009856.html)

### **Valuing Nature**

Carol Pierson Holding

Posted: 08/19/2015 4:29 pm EDT Updated: 08/19/2015 4:59 pm EDT

How will damage from the Gold King Mine spill of Silverton Colorado be valued? The lawsuits against the EPA for dislodging the toxic yellow sludge into the Animas River and beyond haven't yet been filed, but injured parties are lining up.

Recognizing imminent danger accident, the EPA tried to allocate Federal funds earmarked for cleaning Superfund sites. before the accident, the EPA tried to allocate Federal funds earmarked for cleaning Superfund sites. But Silverton is a town that subsists on tourist dollars. And it gets its water from another site. Concerns about upstream water weren't enough to warrant the tourism-destroying Superfund label.

So the EPA had to do more inspecting to bolster its argument for Superfund designation and accidentally breeched a secret dam built inside the mine to hold back accumulated snowmelt, unleashing three million gallons of poisonous sludge.

Sure enough, as in the BP Deepwater Horizon spill, the tourism industry is the first to call for monetary damages.

Then come livestock owners whose animals might be poisoned. And the vegetable farmers whose produce could be ruined unless they find an alternative source of water.

Then there's the cost of the clean-up itself.

But even those billions of dollars don't account for the loss of gorgeous, irreplaceable natural habitat along the now three hundred miles of fouled rivers.

In our monetized, quantified world, we are driven to assign a value to this resource. And economists have a mechanism. Called "contingent valuation," the tool is a survey in which subjects are asked their willingness to pay to protect nature.

Intuitively, we know this is not remotely adequate. Economists and policy makers agree. And so scientists have set about trying to develop a better metric.

A study on the neuroeconomics of valuation was just published in the journal PLOS One and summarized in a New York Times article by study authors Paul Glicher and Michael A. Livermore. Previous MRI's of the brain structures responsible for valuation showed great similarity across a wide variety of decisions, from consumer goods to entertainment to daily activities. But as the authors put it, "The brain did not respond to contingent (environmental) valuation studies the way it did to all other known classes of economic behavior."

In other words, when subjects tried to "value" nature, their MRIs showed different areas of the brain at work than those areas used to value other decisions.

Could nature be on a different spectrum altogether? Maybe our brains process nature's value in ways unrelated to money.

Those of us who walk in nature would agree.

As it turns out, many economists agree too.

One of them is Nobel Prize winner Joseph Stiglitz. A 2009 report by the Stiglitz Commission on the Measurement of Economic Performance and Social Progress looked at how economic statistics such as GDP fall short of measuring true economic performance:

"For example, traffic jams may increase GDP as a result of the increased use of gasoline, but obviously not the quality of life. Moreover, if citizens are concerned about the quality of air, and air pollution is increasing, then statistical measures which ignore air pollution will provide an inaccurate estimate of what is happening to citizens' well-being."

The Stiglitz Commission goes further, insisting that "The assessment of (environmental) sustainability is complementary to the question of current well-being, and must be examined separately. ...Both pieces of information are critical and distinct."

Another way of saying that even rising public policy metrics such as Gross National Happiness in Bhutan or Subjective Well Being in the UK don't adequately address the value of the environment.

Nature brings solace and sanity. If you haven't experienced the succor of nature personally, science has proved its benefits, most recently in a National Academy of Sciences study whose results suggest that "accessible natural areas may be vital for mental health in our rapidly urbanizing world." Or to put it another way, nature's true value is priceless.

### **The Gazette (CO)**

<http://gazette.com/editorial-privatize-mine-cleanups/article/1557665>

### **EDITORIAL: Privatize mine cleanups**

For U.S. Rep. Scott Tipton, timing has never been better to privatize some of the environmental cleanup the EPA has planned for old metal mines.

Tipton, a Cortez Republican representing Colorado's 3rd District, has spent years trying to get traction for his good Samaritan legislation. He envisions a law that would allow private organizations, without direct ties to any mine, to conduct reclamation under standards of the Clean Water Act. State lawmakers have also tried to facilitate private cleanup efforts of abandoned mines.

Legislators "have been trying to pass laws that would make it easier for groups to clean up toxic pollution from abandoned mines," explains the website of The Water Information Program, a consortium created by southwest Colorado water utilities. "These groups, which are not responsible for the pollution but want to clean it up anyway, are called, appropriately enough, Good Samaritans."

Critics have recoiled at the thought of putting the government's environmental work into private hands.

No longer should they perceive or argue a level of federal competence that exceeds what the private sector might provide. The EPA unleashed a toxic sludge of arsenic, lead and other harmful toxins without bothering to warn people downstream, including tribal leaders and governors of neighboring states. They botched the inspection that led to the spill and bungled the response.

Tipton — the member of Congress representing the location of the spill — told The Durango Herald's editorial board Monday that he was not contacted by the EPA. He received an apology only after he complained days later to the agency's Region 8 office in Denver.

Tipton said President Barack Obama has not responded to an Aug. 12 letter he coauthored with U.S. Sens. Michael Bennet, D-Colo., Cory Gardner, R-Colo., Tom Udall, D-N.M., and Martin Heinrich, D-N.M. The letter requests federal intervention in the EPA's mismanaged disaster.

"We think we've solved that mystery," said an article in Colorado Peak Politics, surmising why Obama had not responded. The website posted a Monday Headline from western Massachusetts' Masslive.com: "President Obama golfs, reads and enjoys private beach on Martha's Vineyard."

Accidents happen, but the federal response to a disaster caused by a federal agency has been devoid of urgency, intergovernmental communication and courtesy to burdened residents, businesses and farms.

Tipton's good Samaritan idea could provide a viable alternative to environmental reclamation in rural mining areas of Colorado that would suffer from the stigma of Superfund declarations. Old mining towns survive on tourism revenue, and Superfund sites aren't known as vacation hot spots. Tipton hopes the Gold King Mine might serve as a pilot project for a good Samaritan program.

The details, of course, will determine the political and practical feasibility of Tipton's vision. But given the EPA's stunning mishandling of the Gold King spill, it is hard to imagine a private-sector cleanup effort that could do more harm.

### **KSL.com (UT)**

<http://www.ksl.com/index.php?sid=36049131&nid=148&title=ag-reyes-visits-site-of-gold-king-mine-spill-speaks-with-epa-officials>

### **AG Reyes visits site of Gold King Mine spill, speaks with EPA officials**

By Ben Lockhart

Posted Aug 19th, 2015 @ 10:21pm

SALT LAKE CITY — Utah Attorney General Sean Reyes joined the attorney general from Colorado on Wednesday to tour the mine site where a massive toxic spill occurred earlier this month.

Reyes called it a "fact-finding tour" at the Gold King Mine in southwest Colorado, about 150 miles from the state's border with Utah, to assess the impacts on the area and determine the role of the Environmental Protection Agency in the disaster.

On Aug. 5, 3 million gallons of water containing lead, arsenic, zinc, mercury and cadmium were unleashed from the abandoned mine site into the nearby Animas River while EPA crews worked in the area.

The EPA reportedly caused the water to spill while attempting to measure the depth of the contaminated de facto reservoir.

Reyes said the EPA showed him and other government officials around the mine site, but the agency was wary about releasing specific information about the spill.

### **KSL.com (UT)**

<http://www.ksl.com/?nid=148&sid=36032421>

### **Utah AG to tour mine, considering legal action against EPA in spill**

By Dennis Romboy

Posted Aug 19th, 2015 @ 7:28am

SALT LAKE CITY — Attorney General Sean Reyes will get a firsthand look Wednesday at the Colorado mine site that spewed millions of gallons of toxic water into southeastern Utah.

Reyes expects to start gathering evidence that could lead to legal action, though he said he wants to give the Environmental Protection Agency a chance to make good on its word to pay for any damage from the spill.

But Sen. Margaret Dayton, R-Orem, co-chairwoman of the State Water Development Commission, said she's uncomfortable with that.

"The more time we give them, the more damage is done," Dayton said during a commission meeting Tuesday. The commission includes legislators, county leaders, water district supervisors, and environmental and agricultural interests.

Reyes said he doesn't believe it shows weakness on Utah's part to take time to assess how the agency intends hold itself accountable for the disaster as EPA Administrator Gina McCarthy promised.

"I would like to see what that proposal is," he said, adding that if the agency doesn't live up to its commitment, the state would consider legal remedies.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater into the Animas River on Aug. 5 as they inspected the idle Gold King Mine near Silverton, Colorado. The spill released heavy metals including arsenic, cadmium, lead and mercury downstream in Colorado, New Mexico, Utah and the Navajo Nation, raising concerns about long-term environmental damage.

Reyes listed several areas where Utah could be compensated for damages, including emergency response, water testing, restoration of natural resources, and lost revenue and taxes.

Heavy metals in the water could also affect crops, wildlife and even people in the future, he said.

"All these questions we don't have answers for yet," Reyes said. "That will probably be the back-and-forth with the agency in terms from trying to fix a cost for reimbursement to the state."

Alan Matheson, Utah Department of Environmental Quality executive director, said taking water samples four times a day in four locations along the San Juan River has been very expensive and not part of the budget.

And it will continue to cost money as the state monitors water quality over time to ensure Utahns are safe.

All these questions we don't have answers for yet. That will probably be the back-and-forth with the agency in terms from trying to fix a cost for reimbursement to the state.

—Utah Attorney General Sean Reyes

"This event has been tremendously disturbing," Matheson said.

Dayton asked Reyes, who met with his counterparts from Colorado and New Mexico in Durango, Colorado, last week, if he was able to find out whether the spill was "an accident on purpose" to qualify for federal cleanup money, or if "this really was an accident accident."

Reyes said in talking to some of the locals there was "some suspicion that the spill was not purely inadvertent. But I don't have anything more to report on that."

Rep. Mike Noel, R-Kanab, also questioned whether the spill was intentional, noting the EPA downplayed the severity and didn't notify the states for a couple of days. Noel represents San Juan and Kane counties, the two areas in Utah impacted by the contamination.

An outside entity needs to investigate why and how the spill happened, he said.

"Is this a criminal act? Is it a negligence act? Is it a gross negligence act?" Noel said. "Yes, yes, yes, is what I'm hearing."

The EPA announced Tuesday that the U.S. Department of the Interior will assess the factors that led to the incident and issue a report within 60 days.

### **KOB Channel 4 News (NM)**

<http://www.kob.com/article/stories/s3883725.shtml#.VdXTjPIVhHw>

### **Gov. Martinez orders state investigation into Animas River mine spill**

Updated: 08/19/2015 6:58 PM | Created: 08/19/2015 2:52 PM

By: Elizabeth Reed, KOB.com

Gov. Susana Martinez announced Wednesday that she has ordered the state Environment Department to launch an investigation into the massive mine waste spill into the Animas River.

According to a news release, the investigation will seek to determine the specific cause of the spill and how Environmental Protection Agency officials allowed more than 3 million gallons of waste to flow from the Gold King Mine into the waterways. Environment Department officials will also examine how affected residents, businesses and communities along the river were notified in the aftermath of the spill.

The river tested positive for heavy metals like arsenic, lead, cadmium and mercury. Officials in

Colorado and New Mexico closed the Animas River for a little more than a week.

The spill occurred at the mine near Silverton, Colorado, around 10:30 a.m. on Aug. 5. New Mexico officials were not notified until 9:30 a.m. the next day.

"New Mexicans deserve answers as to why this catastrophe happened and why the EPA failed to notify us in a timely manner," Martinez said in a statement.

### **KUNM Radio (NM)**

<http://kunm.org/post/food-security-fallout-after-animas-river-contamination#stream/0>

## **Food Security Fallout After Animas River Contamination**

By MARISA DEMARCO

8/19/15 10:00 PM EST

It's been two weeks since the Gold King Mine spill closed irrigation on the Navajo Nation and officials say fields around Shiprock are beginning to die off. Farmers there want to know when they'll be able to water their crops again.

The big white Shiprock Chapter House has been busy ever since the spill. Farmers drive in from all around, and emergency meetings sometimes have a couple hundred people in attendance. For many here, the wilting crops represent damage to food security, culture and a way of life.

Farming goes back in Gilbert Yazzie's family many generations. "It's part of our lifestyle," he said. "It's part of our culture, our families. What I know about what we're doing came from my grandfather and other elders in the family."

The Navajo Nation shut off irrigation from the San Juan River and waited on testing results from its own Environmental Protection Agency. "I will say this: I thank our creator for the rain we had the other evening," Yazzie said.

The U.S. EPA told farmers in nearby San Juan County to start using the water again, but it was the EPA who triggered the spill, and Navajo Council delegates questioned whether data from the agency can be trusted.

And Yazzie? He was thinking about food and hunger. "We usually have our first corn by now, and we were taking loads of steam corn out to people on the reservation, because I feel for them."

Yazzie and other farmers in Shiprock bring produce to regions of the Navajo Nation like Kayenta, Chinle and Gallup. "They're probably looking for us, waiting for us. 'Where is the ones who bring us the steamed corn?' " he said. "It's affected our lives. We say corn is life, also."

Farming means food security—and food sovereignty, Yazzie said. People out here rely on crops not just as a source of income but as nourishment year-round.

Carina Clark has around 10 acres of farmland that she and her family sow with many different colors of corn. "As far as I know, my family, it's like a survival food," she said. "That's how I think of it. It's food for our elders."

Right now, she said, she's just hoping and praying that everything will bounce back. "It's the food. It's our native food that we have," she said. "That's like our winter food. I don't know, it's just the thought of our farm areas being ruined."

The young kernels are ground for a staple bread made solely with corn. Big kernels are good for preserving and storing. And pollen is used in ceremonies and prayers.

"If there's a dry time, and if you don't water it right before it ripens, the kernels tend to sink, they have this funny form," she said.

They fall like a cake in the oven, she said. Clark's thoughts turned to the vendors who help sell her produce, and the possible financial impacts for them, too. "There are worries about what's to come, and it's like we're not really quite ready," she said.

Joe Ben Jr. is the farm board representative for the Shiprock Chapter, a region he calls the agricultural treasure of the Navajo Nation. He said farmers are becoming divided, and some want the irrigation water turned back on right away. "We've been knocked on our back," he said, "and we're barely getting back onto our knees and hands."

CREDIT MARISA DEMARCO / KUNM

Ben is also worried about the long-term effects of the spill, about heavy metals and toxic sediment being uprooted during torrential spring rains.

Right now, farmers are relying on stationary tanks filled by the Bureau of Indian Affairs. But Ben said those often run dry. "We are making efforts to water some fields. Hopefully that will save some people going through heart attacks," he said. "That's the reason I'm going all-out effort, to see a little portion of their field manifest. But majority of it is not going to happen."

Ben is advocating for a new fresh water source to be established—a pipeline from the Navajo Agricultural Products Industry—so future generations will have something they can count on in times of emergency.

**La Voz Colorado (CO)**

<http://www.lavozcolorado.com/detail.php?id=8221>

## **Animas River contaminated**

By Ernest Gurulé

08/19/2015

For towns like Durango, one of the hubs of southwestern Colorado, summer tourism is essential. People come from all over the country to spend money on the awe-inspiring mountain views, the fishing and water sports or simply to enjoy the Durango experience. If tourism doesn't pay the bills for this picturesque mountain town, it most assuredly picks up the lion's share of the tab.

That's why the image of a mustard-yellow Animas River that went viral a week ago had the town in a near panic. The river, a 126 mile water way, was infected with a three-million gallon deluge of contaminated water drained accidentally from the nearby but long-abandoned King Gold Mine.

A contracted Environmental Protection Agency crew, using heavy equipment to pump out and treat the mine's built-up pond of dirty water, dug where it shouldn't have. The residue gushed a poison flow of water containing lead, cadmium, arsenic, magnesium and iron. The contamination first found refuge in Cement Creek before breaking free to taint the bustling Animas.

Because most of the state's mines – active or long dormant – are above 9,000 feet, when they leak, the water flows down and into places like Durango, nearby Farmington, New Mexico or Native American reservation lands that straddle both states.

The speed of the August 5th leak caught everyone by surprise. A picture snapped by a local photographer showed three kayakers suddenly afloat in a clearly unhealthy pool of yellow instead of the river's normal mountain green. Other images, including a number shot from high above the Animas, show a river resembling a giant yellow snake slithering its way to Durango and beyond.

Within days of the spill, the waste that had transformed the river's color into a grotesque shade of yellow had dissipated allowing it to return to its normal color. The improvement was such that Colorado Governor John Hickenlooper, who had put on hold capital business to go to the site, took part in a photo-op that had him drinking water from the Animas. To eliminate any possibility of giardia, a microscopic parasite that lives in mountain flows, Hickenlooper added an iodine tablet – which kills the parasite – to his water bottle thirty minutes before taking a drink.

The state of Colorado has pledged a half-million dollars to aid in the cleanup and to assist those who may have lost business as a result of the spill. EPA Director Gina McCarthy, who also visited the site as well as towns in New Mexico and Utah also affected by the spill, assured locals that the spill would be thoroughly investigated and that her department would assume full responsibility for the problem along with damages.

“I believe it's somewhere between calamity and disaster,” said Tom Cech, Director of One World, One Water Center at Denver's Metropolitan State University, of the recent spill. “But it's definitely a tragedy.” Making matters worse, he said, is that the spill was preventable. But he also cautions that full health of the river – or other Colorado rivers – should not be taken for granted because mining is a dirty business and there are literally thousands of abandoned mines throughout the Colorado high country and all are chock-full of poisonous chemicals.

But chemicals, including lead and iron, are also part of nature, said Colorado School of Mines Professor Ronald Hewitt-Cohen. “This was a spill of nasty material and treated judiciously.” He says nature did its job and diluted most of the toxicity from the spilled chemicals and, he believes, present little harm downstream.

But downstream includes farmers and ranchers who depend on water from the Animas which merges into the San Juan. Ranching families, including the Gomez and Jacques who have been in the area for more than a hundred years, along with Native Americans, simply cannot continue living on the land if their main source of water is poisoned.

Beyond Durango, the biggest population centers affected by the spill were Farmington and Aztec, New Mexico. Farmington is the hub of the Four Corners and the spill was more than serious.

“Our immediate concern,” said Farmington Mayor Tommy Roberts, “was protecting our drinking water.” Roberts knew his city needed to act fast and, in this case, unilaterally. EPA information was slow or non-existent. “We were behind the curve,” said the Farmington native and city chief executive. There was a failure “to notify downstream users.” The first EPA notification of trouble, he said, did not arrive for “a full 24 hours after the initial leak.”

In a recent telephone interview, Roberts said public health became the top priority. “We shut intake valves in our municipal water supply,” he said. At the same time, Roberts had staff make certain that essential information get shared quickly. “Our team responded promptly and disseminated information to the public.”

Roberts said costs to ensure public health will hit his city’s budget but, right now, he has no idea what the final bill will be. “We extended manpower, equipment and materials and we will continue to build up expenses,” he said. “We’re confident that we will be compensated.”

But costs go beyond municipalities. Colorado Attorney General Cynthia Coffman has met with her counterparts in New Mexico and Utah and legal action to make the states whole is an option. All three states filed disaster declarations.

In an interview with The Denver Post, Coffman expressed her disappointment with the EPA. “The statements by the (EPA’s administrator) indicate the EPA is accepting responsibility for the accident. The question is: What does that mean?”

Because the worst of this spill seems to be over, concerns about the poisons contaminating lakes and reservoirs farther west have generally evaporated. By the time any of this water makes its way too far, said Hewitt-Cohen, “it should be diluted.” But, he cautions, that should not necessarily make anyone feel confident about the future.

Hewitt-Cohen bases this opinion on the fact that this is not the first time that there has been a serious spill of polluted water into the Animas. He says two significant spills in the mid and late 70’s took place. He also predicts that this recent spill may not be the last. “It’s a time bomb and the longer we wait to address this issue of abandoned mines that are leaking into our waterways, the more these things are going to happen.” The cost for cleaning up thousands of mines in

Colorado and throughout the West would be prohibitive. “We couldn’t afford it.”

But federal assurances inspire little confidence with Russell Begay, Navajo Nation President. The San Juan River, he said, not only provides a spiritual connection to tribal members but an economic one, as well. He fears that it could be “decades” before the river once again flows in full health.

### **NBC Channel 11 KKCO (CO)**

<http://www.nbc11news.com/home/headlines/Colorado-AG-to-tour-site-of-Animas-River-wastewater-spill-Wednesday-322283262.html>

### **Colorado AG to tour site of Animas River wastewater spill Wednesday**

Updated: Wed 10:39 AM, Aug 19, 2015

By: April Davis

SILVERTON, Colo. Colorado Attorney General Cynthia Coffman will tour the abandoned Gold King Mine in Silverton Wednesday where an Environmental Protection Agency- led crew spilled 3 million gallons of wastewater into the Animas River August 5th which has now affected several states.

Coffman spoke with Daybreak's April Davis Wednesday morning about her biggest concern with the spill.

"It's the long term affects. We know with a spill like this even when we don't see short term damage, and I'm so glad we haven't seen significant damage, it is what happens over a number of years especially with aquatic life and the impact on the banks of the river and those who use it for irrigation that I am concerned about. I want to make sure the Environmental Protection Agency is here and attentive to that when people need them," said Coffman.

Coffman and the Utah Attorney General will meet with EPA representatives at the mine Wednesday. The EPA claimed full responsibility for the spill.

Coffman along with the attorney generals from New Mexico and Utah, say it is too soon to decide if they will sue the federal government.

### **NY Times:**

[http://www.nytimes.com/2015/08/20/opinion/when-a-river-runs-orange.html?\\_r=0](http://www.nytimes.com/2015/08/20/opinion/when-a-river-runs-orange.html?_r=0)

### **When a River Runs Orange**

By GWEN LACHELT, AUG. 20, 2015

Durango, Colo. — THE recent mining pollution spill in my corner of Colorado — La Plata County — is making national news for all the wrong reasons. Beyond the spill and its impact on everyone downstream, the underlying causes are far more worrisome and dangerous than just a mistake made by the Environmental Protection Agency.

Yes, it is a cruel irony that an E.P.A. contractor, while trying to clean up pollution from old mines, instead made the problem much, much worse. The jaw-dropping before-and-after photos contrasting the pre-spill Animas River I know and love with the subsequent bright orange, acidic, heavy-metal-laden travesty are sadly accurate.

The Animas River is the heart of La Plata County. Our jobs rely on it, people the world over travel here to raft and fish it, and farmers and ranchers feed their animals and water their crops with it. But more than that, it's a member of the community. We see it every day. We play in it. We work with it. And of course we drink it. It's no overstatement to say that La Plata County as we know it would not exist without the Animas River.

The damage caused by this spill is all the more heartbreaking because it is part of a larger national and ongoing tragedy: the hundreds of thousands of inactive and abandoned mines that litter our country, thanks to the General Mining Law of 1872.

President Ulysses S. Grant signed the Mining Law when the nation (apart from Native Americans, who had already lived here for thousands of years) regarded the West as a frontier to be conquered. Governing hard-rock mining, mostly of metals like gold and copper, the law is a product of its time. It gave away public minerals (worth an estimated \$300 billion and still counting); sold mineral-bearing public lands for less than \$5 an acre; contained no environmental provisions for mining operations, and required no cleanup afterward. Apart from a few small regulatory changes in 1980, the 19th-century act is still the law of the land.

The result? A study by the environmental group Earthworks estimated that approximately 500,000 abandoned and unreclaimed mines litter the country. The E.P.A. says that mining pollutes approximately 40 percent of the headwaters of Western watersheds and that cleaning up these mines may cost American taxpayers more than \$50 billion.

Why hasn't this problem been solved, given its pervasiveness and impact?

It isn't because we don't know how. There are pilot reclamation projects around the West that have shown how to do it if we choose to. It isn't because it'll cost jobs. Montana's experience suggests that mine reclamation can create more jobs per dollar spent than mining itself.

The problem of unreclaimed, abandoned and inactive mines remains unsolved because the mining industry stubbornly obstructs meaningful attempts to reform or replace the 1872 Mining Law. As a result, there's simply not enough money to address the problem. The E.P.A. is operating on a shoestring budget. Despite this, an E.P.A. contractor was trying to reclaim the Gold King Mine because it was seriously polluting the Animas River before the spill. The E.P.A.

was doing the best it could with what it had. But what it had wasn't enough.

The solution to the problem is comprehensive reform of the old law, and Congress already has a bill before it that will do it: H.R. 963, the Hardrock Mining Reform and Reclamation Act of 2015, introduced by Representative Raúl M. Grijalva of Arizona.

The new law, currently bottled up in committee, would create a fund to clean up abandoned and inactive mines by establishing an 8 percent royalty on all new hard-rock mines on public lands, a 4 percent royalty on existing mines on public lands and reclamation fees on all hard-rock mines, including those that were "purchased" for low prices under the 1872 Mining Law.

A similar system is already in place for abandoned coal mines, so there's no practical reason it can't work for hard-rock mining too. The bill would also improve both reclamation standards and requirements that mining companies financially guarantee that taxpayers aren't on the hook for cleaning up existing mines.

What happened in La Plata County this month is a tragedy. For our ranchers and farmers, for wildlife, the tourism industry and all our local residents. The Animas River is part of our everyday life, and it needs to be protected. I'm not alone in wanting to stop this reckless pollution from endangering the rest of our communities and our environment.

### **Post Independent (CO)**

<http://www.postindependent.com/news/17787534-113/sen-bennet-talks-water-and-mine-clean-up-in>

## **Sen. Bennet talks water and mine clean-up in Vail**

By Brent Gardner-Smith

8/19/15

VAIL — Speaking at the Colorado Water Congress' summer meeting in Vail on Wednesday, U.S. Senator Michael Bennet said it would take an "all-of-the-above" strategy to meet Colorado's future water needs.

"The bottom line for me is that we've got to look at water a little bit like we look at energy in Colorado," said Bennet, a Democrat who was elected in 2010. "We need an all-of-the-above strategy that includes storage and conservation and efficiency. The reality is that we will need to make the best use of the water we have for the rest of our lifetimes."

The need for additional water storage facilities — new dams and reservoirs — is a consistent message heard at the Water Congress meeting and at water-supply planning meetings around the state.

Bennet acknowledged the time and effort that many attendees at the event have spent developing a statewide water plan, which is being prepared by regional "roundtables" and the Colorado Water Conservation Board.

The plan is to be submitted to the governor in December and comments on the second draft are due Sept. 17.

"I know that a lot of you here already have contributed many hours and days, and even years, and even, really, lifetimes to the effort," Bennet said. "The water community, the environmental groups, utilities, local governments and agricultural users have all been involved in the drafting of that plan."

He added, “Whatever comes out in the final plan, it’s clear that action will be necessary to address the challenges that Colorado will face in the coming decades.”

In his opening remarks, Bennet was highly critical of the gridlocked nature of the U.S. Congress and said he’s tried very hard not to spend “one second over the last six years contributing to the dysfunction that’s there,” but instead has worked to find “bipartisan solutions to real challenges that we have.”

He spoke of a week-long tour of the wheat fields of eastern Colorado that he took recently with Republican U.S. Senator Cory Gardner of Colorado, and how the two of them also agreed to travel to Durango together in the wake of the Gold King Mine spill that discolored the Animas River on Aug. 5.

“It is fun, people see a Democrat and a Republican working together, and they wish they were seeing that in D.C.” Bennet said.

In response to a question, Bennet said he was exploring a Colorado-only version of “Good Samaritan” legislation, which would shield individuals and organizations that want to work to clean up old hard-rock mines from inheriting the full liability for the mine.

“If we could figure out a way to develop some sort of pilot legislation — we’ve been talking to Congressman Tipton’s office about that — that would allow us to do what needs to be done in our state, that would be a good step forward,” Bennet said, noting there are “thousands” of old mines in Colorado that need to be cleaned up. “Being stuck in this stasis of not being able to address it guarantees exactly what happened the other day, and I don’t think we ought to have our state have to confront something like this again.”

### **The Taos News (NM):**

[http://www.taosnews.com/news/article\\_feb0dc84-46c1-11e5-8b0f-8fd9906452b8.html](http://www.taosnews.com/news/article_feb0dc84-46c1-11e5-8b0f-8fd9906452b8.html)

## Red River ‘comeback’ contrasts Animas mess

J.R. Logan 6 hrs ago

For almost half a century, Taylor Streit has been harassing trout on the Red River. And for much of that time, he was also harassing officials at the Questa molybdenum mine — a major contributor of toxic contamination that would periodically wipe out one of his favorite fisheries.

So when Streit saw the Animas River turn to Tang-colored sludge a couple weeks ago, it reminded him of the way the Red River turns a milky blue when a summer monsoon pounds the mountains above Questa, dumping loads of heavy metals into the water.

Streit never hid his contempt for the mine. In the ‘70s, he was part of a vocal group — Concerned Citizens of Questa — that fought to hold the industry accountable for the environmental disaster it created.

But today, Streit’s scorn has mellowed. The Red River isn’t perfect, but it’s getting a lot more love. Water quality is better, and there is a solid plan to spend hundreds of millions of dollars to take care of decades of mine waste that once threatened to decimate the watershed. Fishing parks are even popping up in areas that were once written off as dead water.

“The grudge is gone,” says Streit. “It’s a whole new thing now. The Red has been a remarkable comeback story.”

The progress around Questa is brought into better focus in the wake of the spill at Gold King Mine — one of hundreds of abandoned or potentially harmful mines near Silverton, Colorado. Some experts think efforts to adopt more progressive mining laws, as well as the decision 15 years ago to allow the U.S. Environmental Protection Agency to get involved in Questa, have been the difference between slow but steady improvements on the Red River, and the wave of orange muck on the Animas.

Twenty years ago, Questa and Silverton shared a lot of similarities. The mining industry had

long been a mainstay of the local economies. Both areas were also suffering environmental degradation believed to be, at least in part, the industry's fault.

In the mid-'90s, EPA was gingerly poking around in both locations while gauging the appetite for agency involvement in some kind of cleanup.

Under the Superfund program (established in 1980), EPA has the authority and vast resources to address hazardous waste sites, and to hold the parties that created the mess responsible for the cleanup. It's a proven tool for remediation, but it often takes a very long time and is very expensive. Plus, Superfund involves the sometimes heavy-handed intervention of the federal government, which can rub local leaders in rural areas the wrong way.

With a Superfund listing looming, both communities first tried to find a resolution locally. In Silverton, representatives of local and state government, the mining industry and environmental groups formed the Animas River Stakeholders Group hoping to improve water quality while avoiding Superfund status. "Most of the stakeholders thought that such a designation would lead to lots of litigation, reduced property values, distrust and resources going to attorneys and consultants as opposed to on the ground projects that might improve water quality," the group's website reads. That group still meets regularly and has had some success at improving water quality while dodging Superfund designation. This month's spill was an obvious setback.

In Questa, state regulators made efforts to negotiate a deal with the mine's then-owner, MolyCorp. At the time, both reportedly feared Superfund status would mean a longer and more costly cleanup. But when those talks fell through, then-Gov. Gary Johnson — a Republican — called in the big guns. "I hereby concur that EPA should place the MolyCorp mine in Questa, New Mexico on the [Superfund list] for cleanup," Johnson wrote in a letter to the EPA. With the governor's blessing, federal regulators stepped in.

Jim Kuipers, a Montana-based consultant on mine-related environmental and reclamation issues, thinks that decision set Questa on a very different and ultimately fruitful path toward recovery. Kuipers has been offering technical advice at Questa for almost 20 years, and he says he's intimately familiar with the situation facing Silverton.

In the mid-'90s, Kuipers says the potential for massive contamination coming from the Questa

mine was enormous. Molycorp had refused to accept any responsibility for heavy metals polluting the river (studies have shown some of the pollution is naturally occurring, but most conclude that mine waste was a major contributor). If the company suddenly decided to walk away — a scenario that wasn't impossible to imagine— it would eventually lead to catastrophe.

At Silverton and Questa, the primary cause of mine-related pollution is acid mine drainage. Disturbance caused by mining exposes iron sulfide (pyrite) to the elements. When iron sulfide combines with water and air, it creates sulfuric acid. The acid then leaches through the surrounding rock, dissolving other harmful metals, which can then pollute surface and groundwater.

If Molycorp had gone belly up, or simply abandoned the mine, Kuipers said the underground workings would fill with a toxic brew that would eventually spill over into the Red River watershed, causing damage far greater than that seen this month on the Animas.

To avoid that scenario, Kuipers said the New Mexico Legislature made great strides by passing the New Mexico Mining Act in 1993. The act clamped down on mine operators, requiring them to put up a cash bond meant to cover the cost of reclaiming a mine site in case a company refuses to do the work. The new law also required mines to have a plan in place to close a mine when and if it ceases operations.

“New Mexico really got its act together,” Kuipers says, adding that Colorado law is far less progressive when it comes to holding mining companies accountable for their messes. Even with the act, Kuipers said problems at the Questa mine probably wouldn't have been addressed without EPA's involvement. If the state had tried to hold the company to task on its own, Kuipers suspects it would have been bogged down in an endless legal battle that still might not be resolved. “When EPA showed up, it's not like everyone was thrilled,” Kuipers remembers. “But there was a recognition that, without EPA's authority, it wouldn't get done.”

In the subsequent 15 years, EPA has forced the mine owner to the table and has set in motion an \$800 million cleanup that will be paid for on the company's dime. Kuipers says the Superfund process quantified how much damage the mine caused, and how much it would have to clean up.

A deal was reached, but that discussion has sometimes been far from amiable. In fact, Chevron is still suing the U.S. Government, asserting that the feds are partially responsible for the mess because they goaded the mine to develop more ore when the country needed more molybdenum. “Folks duked it out, but the result has been pretty good,” Kuipers says.

There are parts of the Questa situation that make it a much simpler puzzle to solve. First, the owner of the mine, Chevron, is among the most powerful and wealthy corporations on the planet. A little mine in New Mexico is only a footnote in its global portfolio, and it has deep enough pockets to cover the hundreds of millions of dollars it’s going to take to finish the decades of reclamation that still lie ahead.

In some respects, the situation in Silverton is far more complicated. First, ownership of the area’s myriad mines is far more diverse, meaning EPA would have to try to hold several parties responsible for clean-up costs. In some cases, there might not be anyone who could be held to account for pollution emanating from a specific abandoned mine.

Local resistance has also been fierce. Until very recently, few in Silverton were willing to suggest EPA should order a full-blown Superfund approach. They worry Superfund would hurt tourism, or slam shut the door to future mining in the area. And since it was the agency that caused the spill this month, there are plenty who think the feds are not up to the job. At the same time, there are mounting reports of Silverton residents who have voiced support for Superfund. That, combined with pressure from communities downstream that felt the brunt of the spill, could set that community on a different path.

It’s worth noting that the Questa mine was an unusual Superfund case because it was, until last summer, an operating mine. Chevron officials insist the government mandated reclamation had nothing to do with their decision to close the mine permanently. Those who’ve been fighting to protect the Red River, meanwhile, are thankful to have gotten what they consider a head start. “There are still a lot of details to be ironed out in terms of specific remedies on the ground, but I think we’re in a lot better position here than they are on the Animas River,” says Rachel Conn, interim executive director of Taos-based environmental group Amigos Bravos. “At least we’re part way down that process and beginning to look at remedies. But a lot of those remedies still have to be implemented.”

**From:** Bressler, Lindsey  
**Sent:** Wednesday, August 19, 2015 12:51 PM  
**Subject:** CO Mine Spill Clips - 8/19

**ABC 9 Local News Colorado**

<http://www.9news.com/story/news/local/2015/08/19/gold-king-mine-recovery/31967057/>

**9NEWS gets tour of Gold King Mine**

Steve Staeger got a look at the cleanup efforts in the Gold King mine. 9NEWS at 9 p.m. 08/18/15. KUSA

Steve Staeger

KUSA 10:30 p.m. MDT August 18, 2015

KUSA – 9NEWS Reporter Steve Staeger got a new look Tuesday at the Gold King Mine, where 3 million gallons of toxic water spilled into the Animas River, devastating communities downstream.

The water was accidentally released by EPA crews earlier this month.

Todd Hennis, the owner of the mine, took Staeger on a tour of the area that is still discharging more than 500 gallons of contaminated water per minute.

Hennis' theory is that after the EPA backfilled the portal shortly before winter, that water backed up behind the wall of dirt and rock. He thinks when crews came back to dig it out, it blew out.

The EPA will not confirm this theory.

Meanwhile, the EPA is holding contaminated water in tanks before treating it on its way back to the Animas River.

The Department of Interior announced Tuesday it will conduct an internal review, and hopes to have an idea of the cause in 60 days.

### **Albuquerque Journal (NM)**

<http://www.abqjournal.com/630508/news/review-of-spill-damage-urged.html>

### **Review of spill damage urged**

By Dan Boyd / Capitol Bureau Chief

PUBLISHED: Wednesday, August 19, 2015 at 12:05 am

SANTA FE – Five state lawmakers are urging members of New Mexico's congressional delegation to pursue federal legislation that would mandate an independent review of the damage caused by 3 million gallons of mine waste spilling into a tributary of the Animas River and possibly provide financial compensation for affected communities and individuals.

In a letter sent Tuesday, the five legislators – four of whom represent northwestern New Mexico districts – said the legislation is needed in the aftermath of the spill, which occurred Aug. 5 and was caused by U.S. Environmental Protection Agency workers who were inspecting an

abandoned gold mine near Silverton, Colo.

“The EPA’s actions this past week are inexcusable and will have a lasting effect throughout northwest New Mexico,” the legislators said in their letter. “We are optimistic that you will pursue legislation to begin rectifying what the EPA has done and to reassure residents along the San Juan River that the federal government will accept full responsibility for the spill and take measures to ensure that it never happens again.”

The five lawmakers, all Republicans, who signed the letter were House Majority Leader Nate Gentry of Albuquerque and Reps. Rod Montoya of Farmington, Paul Bandy of Aztec, Sharon Clahchischilliage of Kirtland and James Strickler of Farmington.

Gentry said having an outside review into the spill would help restore public confidence, saying, “With the people of that area, there’s not a lot of trust right now in the EPA.”

The EPA has apologized for the mine waste spill, which released lead, arsenic, cadmium and other toxic heavy metals into the tributary of the Animas River. The river flows from Colorado into New Mexico, where it joins the San Juan River.

Although the Animas River was recently reopened for recreational activities, the spill caused five New Mexico water systems, including those of Farmington and Aztec, to temporarily stop pumping water from the river, forcing them to rely instead on water storage reserves.

As a precedent for the idea of compensating individuals affected by the mine spill, the legislators cited legislation that was signed into law by then-President Bill Clinton after the 2000 Cerro Grande Fire in Los Alamos. The fire started from a prescribed burn set by the National Park Service to clear out brush at Bandelier National Monument. It was whipped out of control by wind and ended up burning nearly 43,000 acres and destroying hundreds of homes.

Several members of New Mexico’s congressional delegation have already reacted to the Animas River mine spill.

U.S. Sens Tom Udall and Martin Heinrich and U.S. Rep. Ben Ray Luján – all three are Democrats – have called on President Barack Obama’s administration to expedite water quality testing and address a shortage of potable water. In addition, Heinrich introduced legislation last week that would change federal mining regulations so royalties from mining companies could be collected to help pay for environmental cleanup efforts.

A spokesman for Luján, whose congressional district includes northwestern New Mexico, said the representative has already raised the issue of compensation with EPA Administrator Gina McCarthy.

“Congressman Luján made it clear to Administrator McCarthy, both when he spoke with her after the spill and again when he met with her in Colorado and New Mexico, that EPA has a responsibility to compensate all those impacted by the mine spill,” Luján spokesman Andrew Stoddard said in a Tuesday email. “State, local, and tribal governments as well as individuals, farmers, and business owners must be made whole, and he will work to hold EPA accountable for the short-term and long-term costs of this spill.”

Gov. Susana Martinez has also issued a state of emergency in the aftermath of the mine spill, freeing up emergency state funding, and announced this week that she is forming a team to study the spill’s long-term impact.

Both Bandy and Strickler, chairman of the House Energy, Environment and Natural Resources Committee, have argued in the past against tougher state rules for oil and natural gas operators, but Gentry said Tuesday that the issues are different.

“It’s not as though the oil and gas producers were dumping their waste into the San Juan River,” he told the Journal. “This was an obvious and direct environmental catastrophe.”

**Arizona Daily Sun (AZ)**

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[http://azdailysun.com/news/local/adeq-and-az-game-and-fish-to-monitor-fish-at/article\\_3c7eb791-7b28-5b37-9dd8-085df70b24e1.html](http://azdailysun.com/news/local/adeq-and-az-game-and-fish-to-monitor-fish-at/article_3c7eb791-7b28-5b37-9dd8-085df70b24e1.html)

## **ADEQ and AZ Game and Fish to monitor fish at Lake Powell after mine spill**

8/19/15, 9:30 EDT

The Arizona Game and Fish Department and Arizona Department of Environmental Quality are teaming up to monitor fish at Lake Powell and Lees Ferry after the Gold King Mine spill.

The two departments released a statement Tuesday afternoon saying they will collect a broad spectrum of environmental samples, including water and tissue samples from fish, over the next few weeks at Lake Powell, Lees Ferry on the Colorado River and Glen Canyon Dam.

On Aug. 5, employees from the U.S. Environmental Protection Agency and workers from a contractor hired by the EPA caused the spill when they were inspecting the mine near Silverton, Colo. The spill caused more than three million gallons of mine waste and tailings to flow into Cement Creek, a branch of the Animas River. It has also contaminated the San Juan River and Colorado River, which are fed by the Animas River.

“Although the dilution and travel times are great, the potential impact, both short-term and long-term, to fish and other natural resources in Arizona must be properly evaluated,” said AZ Game and Fish Fisheries Chief Chris Cantrell.

All of the samples should be collected by AZ Game and Fish and ADEQ by mid-October and will be analyzed for heavy metals. They will be compared with samples that the two departments took last week.

Game and Fish said last week's samples are currently being analyzed. ADEQ hopes to have the results soon and will compare those results with the state's water quality standards and historical

water data from the area.

Officials from Game and Fish said the already diluted plume of mine waste, will become even more diluted in Lake Powell. The plume is estimated to be about nine acre feet water; the lake currently holds 13 million acre feet of water.

Game and Fish and ADEQ estimate that it may take 18 months to two years for the plume to work its way through the lake to Glen Canyon Dam.

**Associated Press (via Watertown Daily Times, WI)**

[http://www.wdtimes.com/news/national/article\\_13e962a7-cd7e-594c-9971-9136c406b585.html](http://www.wdtimes.com/news/national/article_13e962a7-cd7e-594c-9971-9136c406b585.html)

**Interior Department to lead review of Colorado river spill**

Posted: Wednesday, August 19, 2015 8:57 am

WASHINGTON (AP) — The Interior Department will lead a review of the Colorado mine spill that tainted rivers in three western states.

The review was announced late Tuesday after elected officials from both parties questioned whether the Environmental Protection Agency should be left to probe its own heavily criticized response to the disaster. EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater on Aug. 5 as they inspected the idled Gold King mine.

The Interior Department's report is expected to be released publicly in 60 days.

In addition, EPA's inspector general is conducting a separate review of the incident. Leaders of oversight committees in both the House and Senate say they are planning hearings after Congress returns from its August recess.

**Associated Press (via Elko Daily News NV)**

[http://elkodaily.com/twinfalls/ap/washington/epa-watchdog-investigating-toxic-mine-spill-in-colorado/article\\_2db89c0f-583d-5a59-ba5f-b0c36d37c222.html](http://elkodaily.com/twinfalls/ap/washington/epa-watchdog-investigating-toxic-mine-spill-in-colorado/article_2db89c0f-583d-5a59-ba5f-b0c36d37c222.html)

## **EPA watchdog investigating toxic mine spill in Colorado**

August 17, 2015 2:43 pm

By MATTHEW DALY

WASHINGTON (AP) — The inspector general for the Environmental Protection Agency is investigating the cause of a massive spill from an abandoned Colorado gold mine that unleashed 3 million gallons of contaminated wastewater into rivers that supply water to at least three states.

The inspector general's office said the investigation also will focus on the EPA's response to the Aug. 5 spill from the defunct Gold King Mine near Silverton, Colo.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater as they inspected the idled mine. The spill released heavy metals such as arsenic, cadmium, lead and mercury into a tributary of the Animas River, turning the river sickly yellow and raising concerns about long-term environmental damage.

The spill affected rivers that supply water for drinking, recreation and irrigation in Colorado, New Mexico and Utah as well as the Navajo Nation.

A diluted toxic plume reached Lake Powell, a huge reservoir 300 miles downstream that feeds

the Colorado River and supplies water to the Southwest.

The inspector general's office said the investigation comes in response to a congressional request.

Lawmakers from both parties have criticized the EPA's response as slow and overly cautious. Leaders of oversight committees in both the House and Senate say they are planning hearings after Congress returns from its August recess.

EPA Administrator Gina McCarthy has said her agency takes full responsibility for the accident and expressed deep sorrow for the environmental harm caused to the Animas and San Juan rivers.

McCarthy traveled to Colorado and New Mexico last week following bipartisan pressure from congressional delegations in the two states. Lawmakers from Utah, Arizona and other Western states also have blasted the EPA for a response many call insufficient.

"Among the most basic and simple questions that Coloradans want answered after the Gold King Mine spill are, 'What is in the water?' and 'Is it safe?'" Sen. Michael Bennet, D-Colo., said last week.

Bennet called the EPA's initial response to the spill "too slow and inadequate" and said testing for water quality and sediment levels was proceeding too slowly.

A spokeswoman for the EPA declined to comment Monday. But McCarthy said in Colorado last week that her agency will conduct internal reviews and hire an outside agency to conduct an independent review.

"No agency could be more upset about the incident happening, more dedicated about doing our job and getting this right," McCarthy said. Mine remediation operations throughout the country

are being scrutinized to ensure they are being safely performed, she said.

There are about 500,000 abandoned mines nationwide. The EPA has estimated the cost of cleaning up abandoned mines nationwide, not including coal mines, at between \$20 billion and \$54 billion.

Officials in New Mexico have lifted water restrictions for the Animas and San Juan rivers imposed after the spill. The San Juan flows into the Animas and also was polluted.

Colorado has reopened the Animas River to boating, while Utah has allowed San Juan River water to be used for crop irrigation and livestock.

Meanwhile, the EPA released new data for contamination in the San Juan River between Farmington and Shiprock, New Mexico.

The highest sample for total lead was 250 parts per billion on Aug. 8 west of Farmington, where the San Juan flows into Navajo lands, the agency said. That's five times the federal drinking water standard for humans.

The Navajo Nation is waiting for test results from its own Environmental Protection Agency before deciding whether to declare the San Juan River safe for use. Navajo President Russell Begaye has advised tribal members not to let livestock drink from the river and to shut off irrigation systems fed by the river, but the tribe has not physically barred anyone from accessing the water.

Spokesman Mihio Manus said officials have drawn samples from the part of the river that runs through the northern portion of the reservation, but he wasn't sure when tests would be complete.

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Associated Press writers Felicia Fonseca in Flagstaff, Arizona, and Michael Biesecker in Washington contributed to this report.

**Associated Press (via the Coloradoan, CO)**

<http://www.coloradoan.com/story/news/2015/08/18/utah-attorney-general-not-rushing-to-sue-epa-over-mine-spill/31955159/>

**Utah Attorney General not rushing to sue EPA over mine spill**

AP 6:33 p.m.

MDT August 18, 2015

SALT LAKE CITY (AP) — Utah's Attorney General said Tuesday he's not rushing to sue the Environmental Protection Agency over a massive spill of mine waste accidentally unleashed by its workers, but the agency needs to be held accountable.

Sean Reyes told Utah lawmakers that he first wants to see how the EPA proposes to fix the damage to the state's waters. Legal action will be on the table if the agency's actions fall short, he said.

"I want to give the administrator a chance to prove her commitment and her promise that they will held be fully accountable and they will hold themselves to the highest standard," Reyes said. "What that means is yet to be seen."

Utah lawmakers called for an independent investigation into the Aug. 5 spill from an abandoned Colorado gold mine and the EPA's response. The 3-million-gallon spill sent heavy metal-laden wastewater flowing into Utah and at least two other states.

Rep. Mike Noel, a Kanab Republican who represents Utah counties heavily affected by the spill, said the agency initially downplayed the magnitude of the disaster and a private company would likely face hefty fines for such an accident.

The toxic plume has now reached Utah's Lake Powell, the huge reservoir that feeds the Colorado River and supplies water to the Southwest.

Utah Sen. Margaret Dayton questioned whether waiting to sue is a good idea. "The more time we give them, the more damage is done," said Dayton, a Republican from Orem.

But Reyes said a hastily filed lawsuit can become a headache if new information undermines its legal basis. He plans to visit the site of the spill near Silverton, Colorado, on Wednesday.

Meanwhile, U.S. Rep. Rob Bishop has visited Lake Powell. The chair of the House Committee on Natural Resources said joint congressional hearings on the spill could start in mid-to-late September.

"No one will know what the long-term effects are going to be," the Republican congressman said in an interview after his Monday visit. While preliminary tests indicate the now-diluted toxic plume poses little danger to Lake Powell, that hasn't been confirmed yet and some people have canceled trips to the area popular with tourists and fishermen, he said.

Bishop said EPA officials were slow to share information about how the leak happened and what was in the wastewater. "Had this been a private company, heads would have been rolling well before now," he said.

The EPA inspector general is also investigating the cause of the spill that released heavy metals, including arsenic, cadmium, lead and mercury. The waster turned the Animas River sickly yellow and contaminated waters in New Mexico and the Navajo Nation.

EPA Administrator Gina McCarthy has said her agency takes full responsibility for the accident.

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**Associated Press (via Colorado Springs Gazette)**

<http://gazette.com/ben-carson-slams-epa-in-colorado-visit/article/1557593>

**Ben Carson slams EPA in Colorado visit**

Associated Press

Updated: August 18, 2015 at 6:44 pm

DURANGO — Republican presidential candidate Ben Carson took a helicopter tour Tuesday of the southwestern Colorado river affected by this month's mine wastewater spill and said the Environmental Protection Agency, which caused the spill, must be held accountable.

From the air, Carson saw the Gold King Mine near Silverton, Colorado, where the spill originated, before he addressed about 2,000 people in a Durango park.

Carson characterized the EPA as dominated by "a bunch of bureaucrats who don't know a bunch of anything," according to The Durango Herald.

"What's the long-term impact as metals seep into the ground ... and animals ingest them?" he asked.

An EPA-supervised crew doing investigation work at the Gold King Mine triggered the spill on Aug. 5. The metals-laden spill temporarily closed the Animas River and spread downstream into New Mexico and Utah.

The EPA took responsibility and has opened a claims process. Attorneys general from Colorado, New Mexico and Utah have vowed to monitor the agency's reparations and take legal action if necessary.

**Associated Press (via CBS Denver)**

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<http://denver.cbslocal.com/2015/08/18/utah-lawmakers-to-be-briefed-on-massive-mine-waste-spill/>

**Utah Lawmakers To Be Briefed On Massive Mine Waste Spill**

August 18, 2015 12:27 PM

SALT LAKE CITY (AP) — State lawmakers are expected to be briefed on a massive spill from an abandoned Colorado gold mine that sent toxic wastewater flowing into Utah and at least two other states.

Utah Attorney General Sean Reyes is set to speak to the State Water Development Commission on Tuesday.

He has said that Utah will make sure the Environmental Protection Agency is accountable for the spill accidentally set off by its workers on Aug. 5, though he hasn't said whether the state will sue.

The toxic plume has now reached Lake Powell, the huge reservoir that straddles the border with Arizona and feeds the Colorado River and supplies water to the Southwest.

U.S. Rep. Rob Bishop visited the site Monday, and says the EPA should answer for the spill and its aftermath.

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**Associated Press (via KTAR News, AZ)**

<http://ktar.com/2015/08/17/navajo-nation-doing-its-own-water-testing-after-toxic-mine-spill/>

## **Navajo Nation doing its own water testing after toxic mine spill**

By Associated Press

August 17, 2015 @ 3:33 pm

FLAGSTAFF, Ariz. — The Navajo Nation said it's waiting for test results from its own environment officials before deciding whether to declare the San Juan River safe for use.

Tribal President Russell Begaye has advised Navajos not to let livestock drink from the river or use the water for crops.

Although public outrage followed almost as quickly as the spill itself, EPA toxicologist Deborah McKean said the sludge moved so quickly after the spill that it would not have even "caused significant health effects" to animals that consumed the water.

Meanwhile, New Mexico has lifted water restrictions for the Animas and San Juan rivers, and Colorado has reopened the Animas to boating. Utah also has given the OK for San Juan River to be used for crops and livestock.

Begaye spokesman Mihio Manus said the tribe's Environmental Protection Agency

is analyzing water samples following a leak of contaminants at a Colorado gold mine. The Aug. 5 spill sent a plume of pollutants downstream into the San Juan

River.

Last week, the Arizona Department of Environmental Quality said the spill caused no damage to Arizona's surface, ground or drinking water.

Data collected within 24 hours of the spill showed that contaminant levels were approximately 50 percent lower after moving about 10 miles downstream from the Animas River, according to a recent press release. Lake Powell, where the river first enters Arizona, is located 250 miles further downstream.

Although ADEQ officials believe Arizona is in the clear, they are still taking several precautions to address potential future impacts, such as monitoring the water quality of Glenn Canyon Dam, which flows into Lake Powell, and coordinating with several state agencies to monitor the pollution levels in surrounding areas.

KTAR's Jim Cross and Jessica Suerth, along with the Associated Press, contributed to this report.

### **CBS Denver**

<http://denver.cbslocal.com/2015/08/19/venture-inside-gold-king-mine-source-of-animas-river-spill/>

### **Venture Inside Gold King Mine, Source Of Animas River Spill**

August 19, 2015 6:21 AM

DURANGO, Colo. (CBS4) – CBS4 got the first look inside the source of the toxic spill on the Animas River, at the Gold King Mine where millions of gallons of contaminated water were released.

The EPA admits it's responsible, and the Department Of Interior announced Tuesday that it's launching an independent investigation into how it happened.

Dressed in helmets, protective glasses and vests, CBS4's Rick Sallinger got the first close up look at what's been called an environmental catastrophe.

A task force escort of ATVs ascended 13,000 feet above sea level where the portal of the Gold King Mine is found.

Here, a giant cavity and crushed timbers now remain where a plug once sealed the mine and the water within.

Millions of gallons of toxic water temporarily turned the Animas River into an eerie, orange nightmare, for which the EPA has accepted responsibility.

Gold King Mine owner Todd Hennis says he never should have let the federal government in four years ago.

When asked if that laid the groundwork for what happened, Hennis responded, "Yes. I basically turned over the property and environmental remediation to the EPA. I had no choice."

The agency is now managing the emergency clean up. Water that continues to flow from the mine is now directed into a series of cleansing ponds.

Workers in protective suits measure the water quality as waste continues to discharge through at a much lesser rate.

Hennis pulled out maps that he says show the water could have originated in an adjacent mine, but whose owners deny it.

"All connected, all showing a mass of workings. Like spider webs," Hennis said.

He warns there is much more water buried in these abandoned mines.

"It may not look like it as we stand here, but we are standing on a time bomb," he said.

It's something he fears may explode sooner rather than later.

That and other worries of residents will be addressed at a public meeting Thursday in Durango.

## **Daily Courier (AZ)**

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<http://dcourier.com/main.asp?SectionID=36&SubSectionID=1118&ArticleID=148804>

### **Editorial: Who should we believe after wastewater spill?**

By Tim Wiederaenders

8/18/2015 6:02:00 AM

The sprawling Navajo Nation in northeast Arizona borders the rivers downstream from the mine wastewater spill in Colorado that turned flowing water the color of mustard.

The Navajo Nation says it's waiting for test results from its own environment officials before deciding whether to declare the San Juan River safe for use, the Associated Press reported Monday. Tribal President Russell Begaye has advised Navajos not to let livestock drink from the river or use the water for crops.

Meanwhile, New Mexico has lifted water restrictions for the Animas and San Juan rivers, and Colorado has reopened the Animas to boating, the AP said. Utah also has given the OK for San Juan River to be used for crops and livestock.

Add to that the following from the Arizona Department of Environmental Quality (ADEQ): Officials announced Monday they have examined data provided by states upstream of Lake Powell and closer to the Gold King Mine spill. ADEQ's analysis of data released by the Utah Department of Environmental Quality of samples collected about 100 miles from Lake Powell (closest Utah sample) shows that water quality conditions in the San Juan River upstream of Lake Powell are generally consistent with pre-spill conditions.

"Based on what we're seeing with the water flowing into Lake Powell, we don't expect there to

be noticeable change in water quality in Arizona," ADEQ Director Misael Cabrera stated in a news release.

I don't see it that clearly.

First, it reminds me of the elected official from the original "Jaws" movie who refused to declare a state of emergency one day ahead of their biggest tourism weekend. Go figure.

How about a real-life example? Try officials in Lake Havasu City who said in the 1990s they were all too happy to move the airport off the "island" to north of town, because temperature readings were registering five to as many as 10 degrees cooler in the new location.

Yep, 126 degrees (F) in the shade could scare away tourists. (Personal temperature reading on that one.)

The only sense officials begin to make in regard to the mine wastewater spill is when they cite the following: "To put this spill into perspective, the three million gallon estimated volume of the spill represents a miniscule fraction of a percent (0.000071 percent) of the total volume of water in Lake Powell (more than four trillion gallons as of July 29, 2015)," Cabrera said, adding that ADEQ does not expect this spill to have short- or long-term negative impacts to Lake Powell and the downstream Colorado River.

You decide, while rainwater harvesting continues to look better and better to me.

- Tim Wiederaenders, city editor

**Daily Times (NM)**

[http://www.daily-times.com/four\\_corners-news/ci\\_28663607/interior-department-will-review-gold-king-mine-spill](http://www.daily-times.com/four_corners-news/ci_28663607/interior-department-will-review-gold-king-mine-spill)

## **Interior Department will review Gold King Mine spill**

Lawmakers request federal legislation to address damages

By Joshua Kellogg The Daily Times

UPDATED: 08/18/2015 09:58:50 PM MDT

FARMINGTON — The U.S. Environmental Protection Agency announced Tuesday that the federal Department of the Interior will lead an independent review of the Gold King Mine spill that released 3 million gallons of toxic wastewater into the Animas River from an abandoned mine north of Silverton, Colo., earlier this month.

The review's goal is to provide the EPA an analysis of the incident and any contributing causes, according to an EPA press release. The Interior Department's assessment is expected to be released in about 60 days.

Also in response to the spill, San Juan County lawmakers sent a letter to the New Mexico Congressional Delegation asking for federal legislation to address damage caused by the mine spill.

The letter, dated Tuesday, is signed by House Majority Leader Nate Gentry, R-Albuquerque; Rep. Paul Bandy, R-Aztec; Rep. James Strickler, R-Farmington; Rep. Sharon Clahchischilliage, R-Kirtland; and Rep. Rod Montoya, R-Farmington.

Several of the lawmakers are expected to speak about the letter during a 1 p.m. press conference today at the Farmington Civic Center.

In the letter, the representatives state they want legislation requiring an independent environmental impact study on the immediate and long-term effects of the spill and to investigate the EPA's action before, during and after the incident. They also ask the EPA to compensate those affected by the spill and to create a plan for monitoring the spill's effects in both northern New Mexico and on the Navajo Nation.

The letter adds that such legislation would not be unprecedented. It points out that after the Los Alamos Cerro Grande Fire in 2000 devastated northern New Mexico, legislation was passed to create a Federal Emergency Management Agency office to process claims to compensate victims.

The blaze stemmed from a National Park Service prescribed burn that spread out of control, destroying hundreds of homes and causing nearly \$1 billion in damages.

Sen. Tom Udall, D-N.M., and Sen. John McCain, R-Ariz., also released statements Tuesday afternoon thanking the Senate Indian Affairs Committee for agreeing to hold an oversight hearing on the impact of the mine spill.

Earlier in the day, the senators sent a letter asking the chairman of the committee, Sen. John Barrasso, R-Wyo., and the vice chairman, Sen. Jon Tester, D-Mont., to hold a hearing on both the spill and other EPA activities, including the "cleanup of Cold War era uranium mining."

After touring the mine site and the Animas River from a helicopter, Republican presidential hopeful Ben Carson made a campaign stop in Durango, Colo. In a statement, Carson said the EPA, which has taken responsibility for the spill, needs to be accountable to the impacted residents and businesses.

"For too long, the EPA has used coercion instead of consensus; fines instead of finesse; penalties and punishments instead of pragmatism," he said in a statement. "If we want a better environment for our children, these practices must stop. Our environment needs solutions, not scolding and scapegoating."

Meanwhile, restrictions along the San Juan River remain in effect on the Navajo Nation.

The tribe's Office of the President and Vice President continued on Tuesday to advise tribal members against using water from the river for livestock watering, crop irrigation or recreational purposes, said a spokesman for the office, Mihio Manus.

Officials do not have an estimate for when the restrictions will be lifted, but Navajo Nation President Russell Begaye is expected to address that after more data is released by both the U.S. EPA and the tribe's EPA, Manus said.

"I cannot give you a date or time," he said.

The city of Aztec announced Tuesday it will start pumping water from the Animas River to its water treatment plant on Thursday. Aztec and Farmington stopped drawing from the river after the mine spill released pollutants into the Animas and then the San Juan rivers.

Aztec City Manager Josh Ray said officials felt comfortable pumping from the river after water testing results were released by the U.S. Environmental Protection Agency, the New Mexico Environment Department and the city of Farmington.

"We made sure to check the headgate and river pump to make sure neither of those are contaminated," Ray said.

As previously reported, Farmington City Manager Rob Mayes announced Monday that the city plans to resume piping river water to its treatment plant on Thursday if independent tests conducted Monday confirm that is safe.

Water from city municipal water systems remains safe to drink.

Reporter Noel Lyn Smith contributed to this report.

Joshua Kellogg covers education for The Daily Times. He can be reached at 505-564-4627 and [jkkellogg@daily-times.com](mailto:jkkellogg@daily-times.com). Follow him @jkkelloggd on Twitter.

### **Daily Times (NM)**

[http://www.daily-times.com/four\\_corners-news/ci\\_28656002/almost-two-weeks-after-spill-san-juan-county](http://www.daily-times.com/four_corners-news/ci_28656002/almost-two-weeks-after-spill-san-juan-county)

### **Navajo Nation farmers express concerns about quality of delivered water**

By Noel Lyn Smith The Daily Times

UPDATED: 08/18/2015 08:34:43 PM MDT2 COMMENTS

The Navajo Nation has an advisory still in effect that instructs ranchers and farmers not to use San Juan River water. Using the river water has been prohibited since about 3 million gallons of toxic wastewater was accidentally released Aug. 5 from the Gold King Mine north of Silverton, Colo., into the Animas and San Juan rivers.

On Monday, farmers voted 64-1 to have Shiprock Chapter President Duane "Chili" Yazzie write a memorandum to the Bureau of Indian Affairs asking it to deliver water containers and provide clean water for irrigation purposes.

The move comes after Shiprock Chapter's farm board member, Joe Ben Jr., complained about the

condition of about 11 tanks that were delivered to the chapter by a contractor hired by the U.S. Environmental Protection Agency.

Ben alleges the tanks are not suitable to deliver water to farmers because he noticed water inside the tanks was brown and had a noticeable film and odor. A flier notifying residents of a meeting at the Shiprock Chapter house on Monday announced that participants would "address unclean fracking barrels."

Ben said he notified the EPA about the tanks and asked for certification that the tanks were in good condition to haul water. He said Monday that no one had responded to his requests.

During the emergency farmers meeting at the chapter house, Ben explained the situation to farmers and residents.

Sitting on a table were five plastic containers holding water samples — varying in color from yellow to brown — that Ben said were collected from the tanks.

Shiprock Incident Commander David Nez explained in Navajo that it would take a week to remove and thoroughly clean the tanks, followed by another week to return them to Shiprock.

After hearing Nez's explanation, some farmers stressed the need to water their crops as soon as possible.

Shiprock resident Bertha Etsitty said her son has been hauling water for his crops for the last four days.

"It doesn't make it all the way down the crops," Etsitty said, of water poured into irrigation ditches.

Etsitty mentioned she is also growing squash and said the vegetables were healthy looking 12 days ago.

"It hurts," she said about seeing her squash wilting.

Another Shiprock resident, Barbara King-Wilson, said it is important for the farmers to stand together and tell the EPA to supply a filtering system for the water.

San Juan County Executive Officer Kim Carpenter clarified Monday evening that when he lifted the ban on using the river, that only applied on the stretch of the Animas and San Juan rivers from the New Mexico-Colorado border to the lower valley area in Kirtland. He said officials with the EPA's Region 9 are still conducting tests on water that flows downstream from there.

Carpenter spoke about the Gold Kine Mine spill at a public meeting at the Farmington Civic Center that was attended by about 40 people.

An EPA official at the meeting presented river testing data showing that spikes in heavy metal concentrations occurring as the plume passed through the area were still well below screening levels for recreational use. Those levels are the first sign that officials should take a closer look at what is occurring and are set well below levels that would produce an immediate health threat, said David Charters with the EPA's national and international environmental response team.

After the plume passed through, levels of arsenic, lead, mercury, cadmium, zinc and copper in the river water and in the sediment deposited by the plume were either extremely low or couldn't be detected by the tests, Charters said.

Shiprock Chapter President Duane "Chili" Yazzie speaks on Monday during an emergency farmers meeting at the Shiprock Chapter house about San Juan River water. (Alexa Rogals — The Daily Times)

"We'll continue to deal with this as time progresses," Carpenter said. He said officials will

continue to sample and test the water and sediment and work together on "how to prevent this in the future."

Sgt. Matthew Anthony, with New Mexico Game and Fish, said the department has nearly finalized a plan for long-term monitoring of potential impacts on wildlife that will look at birth rates, long-term absorption of heavy metals and other variables.

Farmington City Manager Rob Mayes said the results of tests conducted by the city of Farmington on Monday will be available on Thursday. If those test results are consistent with results from EPA and the New Mexico Environment Department, the city will resume piping Animas River water to its treatment plant, he said. He said it likely would be about a week before the city starts using Farmers Ditch to supply the plant.

Mayes said the city plans to install two sensors — one for acid mine waste and another for hydrocarbons produced by the oil and gas industry — that will automatically shut down the plant intakes when something is detected in the river.

The city of Aztec may start pumping water from the Animas on Wednesday, City Manager Josh Ray said Monday in an interview. The city lifted its restrictions on residential water use after San Juan County officials opened access to the river on Saturday night.

City officials have stressed that water supplied by Farmington and Aztec municipal systems is safe to drink.

Other emergency relief and testing operations were beginning to wind down in the county nearly two weeks after the spill, said Michele Truby-Tillen, spokeswoman for the San Juan County Office of Emergency Management.

Potable and non-potable water stations in the county are closing, as is the well water testing station at the San Juan County Sheriff's Office Lee Acres substation, the city of Aztec RV fill station and bottled water distribution at the Aztec Church of Christ.

A water fair with free water testing for private wells in Farmington and San Juan County is scheduled from noon to 5:30 p.m. Aug. 24 and 9 a.m. to 5 p.m. Aug. 25 at the Sycamore Park Community Center, 1051 Sycamore St., Farmington.

Reporter Joshua Kellogg and Editor Chris Roberts contributed to this report.

Noel Lyn Smith covers the Navajo Nation for The Daily Times. She can be reached at 505-564-4636 and [nsmith@daily-times.com](mailto:nsmith@daily-times.com). Follow her [@nsmithdt](https://twitter.com/nsmithdt) on Twitter.

### **Denver Post**

[http://www.denverpost.com/news/ci\\_28662074/epa-inspector-general-review-colorado-mine-disaster](http://www.denverpost.com/news/ci_28662074/epa-inspector-general-review-colorado-mine-disaster)

### **EPA inspector general to review Colorado mine disaster**

OIG's investigations, audits and program evaluation divisions collaborating in review

By Staff and Wire Reports

The Denver Post

POSTED: 08/18/2015 04:27:27 PM MDT

The internal watchdog at the Environmental Protection Agency is launching a combined investigation among its three divisions into the cause of a spill from a Colorado gold mine that unleashed 3 million gallons of contaminated wastewater into rivers that supply water to at least three states.

Officials with the EPA's office of inspector general said the review also will focus on the agency's response to the Aug. 5 spill from the defunct Gold King Mine near Silverton.

Jennifer Kaplan, a spokeswoman for the IG office, said the watchdog's investigations, audits and program evaluation divisions would take the rare step of collaborating on the review.

"That's unusual," she said.

But the intent is to enable a faster response to potential findings, as well as tap the expertise of each division.

"There is urgency here, for sure," Kaplan said.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater as they inspected the idled mine.

The spill released heavy metals such as arsenic, cadmium and lead into a tributary of the Animas River, turning the river sickly orange and raising concerns about long-term environmental damage.

The spill affected rivers that supply water for drinking, recreation and irrigation in Colorado, New Mexico and Utah as well as the Navajo Nation.

The review by the EPA inspector general is being done in response to a request from Colorado congressman Ken Buck and two other members of the U.S. House Committee on Oversight and

Government Reform.

"An independent OIG investigation is completely necessary, given that it took the EPA nearly 24 hours to even notify the public and local authorities about this disastrous spill," Buck said in a statement.

Lawmakers from both parties have criticized the EPA's response as slow and overly cautious. Leaders of oversight committees in the House and Senate say they are planning hearings after Congress returns from its August recess.

"Among the most basic and simple questions that Coloradans want answered after the Gold King Mine spill are, 'What is in the water?' and 'Is it safe?' " Sen. Michael Bennet, D-Colo., said last week.

Bennet plans to join with Sen. Cory Gardner, R-Colo., in asking the EPA inspector to follow up on several issues, including "the EPA's legal obligations to report a hazardous materials spill," according to Bennet's office.

EPA Administrator Gina McCarthy has said her agency takes full responsibility for the accident and expressed deep sorrow for the environmental harm caused to the Animas and San Juan rivers.

Last week in Colorado, McCarthy said her agency will conduct internal reviews and hire an outside agency to conduct an independent review.

"No agency could be more upset about the incident happening, more dedicated about doing our job and getting this right," McCarthy said.

Staff writer Mark K. Matthews contributed to this report.

## **Denver Post**

<http://blogs.denverpost.com/thespot/2015/08/18/republican-ben-carson-makes-animas-river-spill-epa-2016-campaign/122628/>

### **In visit, Ben Carson makes Animas River spill a 2016 campaign topic**

By John Frank The Denver Post John Frank

8/18/15, 4:05 pm

Republican presidential candidate Ben Carson visited Durango on Tuesday and used the Gold King mine spill into the Animas River to draw attention to his plan to revamp the U.S. Environmental Protection Agency.

The move made Carson the first 2016 candidate to highlight the environmental disaster, though the former neurosurgeon is far from the first politico to see political implications in a 3-million gallon deluge of wastewater caused by an EPA-led crew.

“One wonders, if this accident had occurred at the hands of a private business, or even an individual property owner, would the EPA be as forgiving as they have been of themselves? I think not,” Carson said in a statement after the visit.

Carson, who is seeing a boost following the first GOP debate, toured the mine area by helicopter and met with local officials. His calendar also included a town hall at Rotary Park.

The candidate called on the EPA to perform a transparent investigation of the spill and provide “full compensation and reparations” to those affected.

He proposed the EPA pay the money from fines it collected from private companies who violate environmental rules, not tax dollars. “The EPA must face the same consequences and same accountability as they require of each of us,” he said.

The focus is part of his effort to overhaul the EPA, for which he plans a new mission statement that downplays fines and penalties, allows for laws that protect business from “unnecessary liability” and incorporates a cost-benefit analysis in its regulatory decisions.

“We all want a better environment,” he said in the statement. “We all want to protect the environment for generations to come. We all want more common sense in the administration of our environmental laws and policies.”

Denver-based ProgressNow Colorado, a liberal advocacy organization, criticized Carson for politicizing the spill.

“Ben Carson is just the latest and most obvious example of the right wing shamelessly politicizing the Animas River mine water spill,” said Amy Runyon-Harms, the organization’s executive director in a statement. “Carson’s campaign trip to Durango is a distraction that the people working to clean up the Animas River spill, and to prevent future mine waste disasters, do not need. Carson is in Durango to grandstand and misrepresent the EPA’s work cleaning up not just Silverton’s polluting mines, but environmental disasters across the nation caused by irresponsible private industry.”

ProgressNow came under fire in recent days for statements that some perceived as an effort to downplay the EPA’s role in the spill and deflect blame from the Obama administration.

### **Denver Post**

[http://www.denverpost.com/news/ci\\_28656860/navajo-farmers-suffer-after-colorado-mine-fouls-](http://www.denverpost.com/news/ci_28656860/navajo-farmers-suffer-after-colorado-mine-fouls-)

southwest

## **Navajo farmers suffer after Colorado mine fouls southwest rivers**

Navajo farmers and officials feel the EPA should be doing more to help them

By Jesse Paul

The Denver Post

POSTED: 08/18/2015 12:01:00 AM MDT

After more than a week without irrigating his field with the San Juan or using its waters to keep his horses hydrated, Etcitty, his long black hair waving in the evening breeze, pondered the river's meaning and was overcome.

"It's everything for us," he said. "It's a part of our life, they say. It's our livelihood."

In the Navajo Nation, where the San Juan runs 215 miles before emptying into Lake Powell in Utah, the 3 million-gallon Gold King Mine spill has put officials on alert for what they fear will be economic disaster. This mainly agricultural-based culture, where bartering is still widespread and a cow can be used as a car down payment, crops are drying up under an unrelenting sun.

Fearing the effects of contamination from the wastewater that was spilled from the mine, tribal officials have warned their people against using the San Juan's waters for irrigation or to feed their livestock. It wasn't clear Monday when the advisement would be lifted.

Farmers, however, say even after bone-dry irrigation ditches are running again, worries will persist — possibly for decades. The cost of the EPA-caused spill on Aug. 5 remains unclear, the tribe says, but they are seeing impacts across the 27,600-square-mile reservation.

"There's a huge loss of revenue for our people," said Russell Bengaye, president of the Navajo Nation.

For a tribe of roughly 300,000 that officials say has an unemployment rate of about 50 percent and an average income of \$12,000, the calamity is pushing people toward the brink.

"There's no jobs," Simpson Bekis said Saturday as he sold Colorado peaches at a flea market. "They are few and far between. The younger generation is not interested in farming."

The EPA is providing the tribe with 100,000 gallons of water for agricultural uses each day that is quickly being drained by a line of farmers in need. Federal responders have delivered hay to chapter houses, and dozens of bales were snatched up in about 12 hours from one location in the townsite of Cudei between Friday evening and Saturday morning.

Tribal officials have complained federal aid did not come fast enough and say they're concerned whether the EPA is really going to pick up the mounting tab to care for Navajo fields and livestock. Farmers using the emergency water say they need more help.

"I'm going to lose about 6.5 acres of crops," said Robert Lapahie, who works for the Bureau of Indian Affairs, as he oversaw a water distribution site in Shiprock.

"We've been busy all day," he said as the procession unfolded before him.

Farmers in the Shiprock area who rely on the San Juan to irrigate their crops already were battling through perennial drought when the contamination crisis streamed into their communities.

Rosie Frank, a Navajo community leader who usually hauls water more than a mile from the San Juan for her sheep, said she isn't sure how she is going to pay for a spike in her water bill. She said she isn't eligible for the EPA-provided water because of how far she lives from the San Juan.

Shirley Dodge, peddling squash and corn from the back of her car Saturday at the Bengaye Flea Market, said that although the food they grow serves as supplemental income, losing any of that money would hurt.

"In the back of my mind it's to feed my people," she said. "Fresh, organic."

Many fear that even when the San Juan is reopened to agricultural uses, consumers won't want to buy meat and produce from farms that irrigate with its waters.

"They're going to think about us (as) poison people," Carol Etcitty-Roger, president of the Gadii'ahi/To'koi tribal chapter, said during a break from overseeing the distribution of emergency materials.

The Navajo Nation's vice president, Jonathan Nez, said he wasn't sure if he would even eat meat raised along the San Juan.

"What's going to happen when people find out that the cattle they're being sold is from this region?" he asked. "It could really devastate ranchers here. "

In the meantime, Navajo farmers along the San Juan are just hoping they can water their fields again some time soon and salvage what is left of the season.

Timothy Coleman, whose expansive farmland along the river has been in his family for years,

said he is trying to figure out how he will cope. Standing above a dry irrigation ditch on his property, he put his hands in his pockets, looked out at the thirsty alfalfa before him and shrugged.

"I guess I'll do something else," he said.

### **Denver Post**

[http://www.denverpost.com/news/ci\\_28661945/long-term-impacts-animas-river-spill-lie-beneath](http://www.denverpost.com/news/ci_28661945/long-term-impacts-animas-river-spill-lie-beneath)

### **Animas River: Long-term impacts of wastewater spill lie beneath the current**

By Kevin Simpson

The Denver Post

POSTED: 08/18/2015 03:53:12 PM

State and federal officials have offered assurances that the river is returning to "pre-event conditions," but uncertainty remains over the residue that still lurks beneath the surface flow.

Those remaining metals on the river bottom still could affect aquatic life, agriculture and other aspects of life along the water in ways that are difficult to predict.

"The long-term effects are the concern that every time we have some sort of a high-water event, whether a good rain in the mountains or spring runoff next year, that's going to stir up sediments and remobilize those contaminants that are sitting at the bottom of the river right now," said Ty Churchwell, Colorado backcountry coordinator for Trout Unlimited.

Added Dan Olson, executive director of the environmental group San Juan Citizens Alliance: "People on the ground understand that what we don't know is what we're worried about. And that's the sediment issue."

Peter Butler, co-coordinator with the Animas River Stakeholders Group, a diverse collection of entities that for 21 years has addressed metal loading in the Upper Animas Basin, remains optimistic that the worst has passed.

If sediment stirs again, he said, it will be more diluted.

"Where that ends up, whether concentrations would be higher or not, I don't know," he added. "I'm hopeful there won't be a lot of long-term impacts, particularly because the short-term impacts weren't that great."

Three million gallons inadvertently released from the Gold King Mine into Cement Creek above Silverton during an Environmental Protection Agency excavation gushed into the Animas and turned the river a shocking shade of orange.

But even as the plume passed days later and Gov. John Hickenlooper made a show of drinking water taken directly from the river, experts and advocates alike noted that the lingering metals such as cadmium, arsenic, lead and zinc pose unknown future risks.

In addition, they stressed that the current disaster should be viewed in the context of the river's long history with mining and particularly more recent issues that severely damaged the Animas' fish population.

The natural reproduction of fish in the Animas has been hampered by heavy metals and sedimentation for years. Since 2000, the river has seen an almost 80 percent decline in the fish biomass — the weight of all the trout collected in a certain area, said Jim White, an aquatic

biologist for Colorado Parks and Wildlife.

The river basically doesn't have naturally reproducing trout.

To offset the lack of reproduction, the state, along with the U.S. Bureau of Reclamation, annually stocks the river with about 20,000 fingerling — months-old — rainbow trout, as well as about 2,500 of a "catchable" size of about 8-12 inches. The Southern Ute Indian tribe stocks about 80,000 more.

#### Focus on metals

Natural metals always have leaked into the Animas, although nobody knows what those levels were before mining in the area. But in the past 10 years, since a water treatment plant closed and other prescriptions failed, dissolved metals have increased, White added.

While heavy metals likely play a role in the deterioration of the fishery, so do naturally existing metals, drought, water temperature and sedimentation issues from various tributaries.

"I think it has to do with almost a more global water- quality issue," White said. "What we don't know is what the role of dissolved heavy metals plays with the health of the fish. That's something we hope to learn more about with the Animas River disaster."

Next week, state workers will make two passes, a day apart, and use electrical current to stun and mark fish to assess the river's population. Ten fish were delivered to the state health department on Friday to test tissue for metals.

Earlier, the state exposed 108 rainbow trout fingerlings to the fouled river water. Only two died.

"That tells me we never got to any sort of acute level of toxicity in the river," White said. "Honestly, we were surprised they survived that first plume."

So was Trout Unlimited.

"Our first concern was: Six hours from now are there going to be thousands of dead fish floating on the Animas?" Churchwell said. "Thankfully, that didn't happen. But the long-term effect, we'll be monitoring it."

Effect on fish

Shawn Rummel, a field and research manager for Trout Unlimited, noted that with an event like a 3 million-gallon blowout, metals might be in high concentration for a short amount of time that minimizes the effect on the fish population.

"But it could be either the concentrations weren't high enough to kill off the fish, or the exposure time wasn't high enough to kill off the fish," he said. "There's an interplay there that's hard to nail down."

Rummel echoed concerns about sedimentation that could affect the fish population directly as well as its food source — stream macroinvertebrates such as mayflies, stoneflies and caddisflies — as sediment coats the loose gravels on the river bed.

"With the initial plume, maybe there wasn't as big of a die-off, but long term it may become more of a habitat availability issue and also a spawning habitat issue," he said. "Those are pretty common concerns with abandoned mine drainage."

Long-term effects on agriculture hinge on the same issue of what lies beneath the Animas flow, said Perry Cabot, water resources specialist with the Colorado State University extension office.

While the testing focuses on suspended particles, it's the so-called bedload sediment that could become the source of future problems, he explained. Particulates sink in places where the flow slows — such as around irrigation gates — and that residue could accumulate any number of metals.

Those of greatest concern to agriculture are arsenic, cadmium, lead and mercury, Cabot added. Other metals, such as copper and zinc, are micronutrients that can be processed by plants, although not in massive quantities.

It's a question of degrees of toxicity posed by the accumulation of the metals. And some plants handle that accumulation better than others — grasses tend to tolerate it better than beans, for instance.

So Cabot is recommending to area farmers that they take advantage of local labs to process their own samples. That data could help them establish the safety of their products to buyers and avoid the kind of guilt-by-association that plagued innocent melon growers in the Arkansas Valley during the listeria outbreak in 2011.

"Because perception is everything," Cabot said. "If there's even a hint that maybe (toxicity) is there, if I'm a producer, I want to make sure I can definitively say I've had my water tested, and I'm not applying anything that has these four dangerous metals."

In addition, CSU offers an online water quality interpretation tool.

Cabot said that the agricultural impacts could have been far worse but for an unusually wet spring.

"The 'Miracle May' has brought a fair amount of good dryland crops that look fairly good," he said. "We have fields we haven't irrigated since May, and they've survived almost entirely on natural moisture."

Superfund or not?

River outfitter Bill Dvorak, who holds the first outfitting permit issued in Colorado, said the long view of the debacle on the Animas could be framed through the evolution of the Arkansas River, once beset by mining residue around Leadville.

Years after the area's designation as a Superfund site, the cleanup helped give rise to many miles of state-designated Gold Medal fishing waters on the Arkansas as well as a thriving river rafting industry.

Short-term, Dvorak said the efforts to address heavy metals and acidity have had a good impact that will return activities like rafting to normal. The Animas was reopened to recreation Friday.

But the longer-term solutions lie beyond holding ponds and other measures taken by authorities to mitigate the current problems, he said.

"My hope is that people realize this needs to be identified as a Superfund site so they can begin to clean it up," said Dvorak, who also works with sportsmen's groups for the National Wildlife Federation. "The immediate impact I don't think is going to be great. But the long-range deal is we need to do something about all the mining activity in the West and clean it up and make sure these things don't happen in the future."

But calls for steps like Superfund designation would encounter significant political opposition. And measures like a so-called good Samaritan law, which would allow various entities to participate in cleanups without risking liability, also face hurdles.

"The truth is, it's so complex and there are any number of players and legal issues," said Trout Unlimited's Churchwell. "It's not as simple as one mine popped its head and blew its water. If you walk away with one underlying theme here, it's that this is not an isolated incident. There are ticking time bombs all over the western U.S."

## **Denver Post**

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[http://www.denverpost.com/news/ci\\_28656384/colorado-mine-spill-now-threatens-navajo-nations-spiritual](http://www.denverpost.com/news/ci_28656384/colorado-mine-spill-now-threatens-navajo-nations-spiritual)

### **Colorado mine spill now threatens Navajo Nation's spiritual culture**

By Jesse Paul

POSTED: 08/17/2015 06:39:16 PM MDT

New Mexico, Utah drop water restrictions after Colorado mine spill

SHIPROCK, N.M. — The Colorado mine spill that contaminated the San Juan River has done more than hurt Navajo Nation farmers and ranchers. It threatens the tribe's native way of life.

Dying crops have gone without irrigation for more than a week after tribal officials barred use of the San Juan in fears of contamination. That means a decrease in the yield of corn seeds and pollen — the spiritual base of the Navajo tribal culture.

"The corn is our sacred plant," said Franklin Miller, who is helping organize the tribe's response to the Environmental Protection Agency-caused Gold King Mine spill on Aug. 5 near Silverton.

People here say these natural products have become even more precious, sought out and increasingly difficult to find in the upstream disaster's wake. The tribe fears the impacts of the spill could last for decades, meaning uncertainty for the corn yield and, further, their religion.

The Navajo use corn seeds in everyday prayer but also for a wide variety of ceremonies, including, possibly most importantly, puberty rituals for girls. Traditional tribal dishes, including kneel-down bread, blue corn mush and dried steamed corn, all use the seeds as well.

The tribe has been working hard in recent years to keep its culture and language alive in the face of a changing socio-economic landscape that has drawn many off the reservation. The older generation, which still speaks the Navajo language in everyday conversation and embraces their romantic, ancient way of life, fears the Gold King disaster could mean further departures from the past.

Many farmers in the Navajo's agricultural-based communities had already been struggling amid years of drought and the difficulties and costs of modern farming. There are now fears the river disaster could accelerate those problems.

"It's mostly affecting the elders," said Alphriam Jones, an emergency response volunteer. "They are the most upset."

For many Navajo, the river signifies life.

"The river is part of the bigger scheme of things," said Lenora Tsosie, a community worker.

Roy Etcitty, standing on the banks of the San Juan, said tribesmen once sprinted from sweat lodges along the river's banks into its cool flow to wash off in catharsis.

Now, he says, he's not sure if he would put his lips to the current for fears of what's inside. Even after officials reopen the San Juan, Etcitty says, he will fear the contaminants he can't see.

"All the water that comes from the mountains is precious to us," he explained. "Without the river, I don't know what we would be."

## **Deseret News (UT)**

<http://www.deseretnews.com/article/865634855/Utah-Attorney-General-Sean-Reyes-to-tour-Colorado-mine-as-legal-action-remains-on-the-table.html?pg=all>

### **Utah Attorney General Sean Reyes to tour Colorado mine as legal action remains on the table**

By Dennis Romboy, Deseret News

Published: Tuesday, Aug. 18 2015 6:20 p.m. MDT

SALT LAKE CITY — Attorney General Sean Reyes will get a firsthand look Wednesday at the Colorado mine site that spewed millions of gallons of toxic water into southeastern Utah.

Reyes expects to start gathering evidence that could lead to legal action, though he said he wants to give the Environmental Protection Agency a chance to make good on its word to pay for any damage from the spill.

But Sen. Margaret Dayton, R-Orem, co-chairwoman of the State Water Development Commission, said she's uncomfortable with that.

"The more time we give them, the more damage is done," Dayton said during a commission meeting Tuesday. The commission includes legislators, county leaders, water district supervisors, and environmental and agricultural interests.

Reyes said he doesn't believe it shows weakness on Utah's part to take time to assess how the agency intends hold itself accountable for the disaster as EPA Administrator Gina McCarthy promised.

"I would like to see what that proposal is," he said, adding that if the agency doesn't live up to its commitment, the state would consider legal remedies.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater into the Animas River on Aug. 5 as they inspected the idle Gold King Mine near Silverton, Colorado. The spill released heavy metals including arsenic, cadmium, lead and mercury downstream in Colorado, New Mexico, Utah and the Navajo Nation, raising concerns about long-term environmental damage.

Colorado Attorney General Cynthia Coffman will join Reyes on the mine tour.

Reyes listed several areas where Utah could be compensated for damages, including emergency response, water testing, restoration of natural resources, and lost revenue and taxes.

Heavy metals in the water could also affect crops, wildlife and even people in the future, he said.

"All these questions we don't have answers for yet," Reyes said. "That will probably be the back-and-forth with the agency in terms from trying to fix a cost for reimbursement to the state."

Alan Matheson, Utah Department of Environmental Quality executive director, said taking water samples four times a day in four locations along the San Juan River has been very expensive and not part of the budget.

And it will continue to cost money as the state monitors water quality over time to ensure Utahns are safe.

"This event has been tremendously disturbing," Matheson said.

Dayton asked Reyes, who met with his counterparts from Colorado and New Mexico in Durango, Colorado, last week, if he was able to find out whether the spill was "an accident on purpose" to qualify for federal cleanup money, or if "this really was an accident accident."

Reyes said in talking to some of the locals there was "some suspicion that the spill was not purely inadvertent. But I don't have anything more to report on that."

Rep. Mike Noel, R-Kanab, also questioned whether the spill was intentional, noting the EPA downplayed the severity and didn't notify the states for a couple of days. Noel represents San Juan and Kane counties, the two areas in Utah impacted by the contamination.

An outside entity needs to investigate why and how the spill happened, he said.

"Is this a criminal act? Is it a negligence act? Is it a gross negligence act?" Noel said. "Yes, yes, yes, is what I'm hearing."

The EPA announced Tuesday that the U.S. Department of the Interior will assess the factors that led to the incident and issue a report within 60 days.

### **Durango Herald**

<http://www.durangoherald.com/article/20150818/NEWS01/150819645&source=RSS>

### **Dr. Ben Carson draws a big crowd in Durango**

GOP presidential hopeful asks: What's the long-term impact?

By Chase Olivarius-Mcallister Herald staff writer

Article Last Updated: Tuesday, August 18, 2015 11:25pm

On Tuesday, GOP presidential contender Dr. Ben Carson made a lightning trip to Durango to decry the Environmental Protection Agency before a crowd of thousands at Rotary Park overlooking the maligned Animas River.

When it came to the EPA, Dr. Carson, a pediatric neurosurgeon who has been surging in national polls since his breakout performance at the GOP debates, didn't pull any punches, insisting the EPA should be held accountable for its role in the Gold King Mine spill, a position which earned him wild cheers.

"I took a helicopter ride to the Gold King mining site this morning and witnessed firsthand" the discoloration and "looked at the environmental impact caused by the EPA," he said.

An EPA contractor doing research at Gold King Mine in Silverton triggered the spill Aug. 5, sending more than 3 million gallons of metal-laden mining sludge cascading through Durango and across three states and led multiple counties to declare states of disaster.

Since 1994, Silverton has fought the EPA's attempts to list the area's draining mines, which have polluted the Animas River for more than a century, under the Superfund program.

Though scientists with the EPA and the Colorado Department of Public Health and Environment now say that metal concentrations in the Animas River have returned to pre-disaster levels, Carson said the larger issue of resulting environmental damage to the Animas is far from resolved.

“What’s the long-term impact as metals seep into the ground ... and animals ingest them?” he said.

He told reporters after the speech that unlike Gov. John Hickenlooper, who drank a glass of Animas River water to illustrate that the river should be reopened for recreational activities, under no circumstances would he sip from the Animas around Durango.

“I certainly wouldn’t tell anyone to drink it. We don’t understand the long-term environmental impacts,” he said.

He accused the EPA of hiding behind governmental immunity, saying if an oil company had made a similar mistake, he doubted the EPA would “be so understanding.”

Carson described the EPA as dominated by “a bunch of bureaucrats who don’t know a bunch of anything” and who try to “control people’s lives” and promised under his administration, Americans would see “a different kind of EPA.”

“Under my administration, you wouldn’t have to sue the EPA, because I would get rid of all the old people and bring in people who understand the Constitution.”

In an interview after the event, he seemed to walk back his comments about firing each of the 17,000 people who now work for the EPA across the country.

“Not everyone,” he clarified. “But people who don’t understand the purpose of the EPA, which is not to make businesses miserable. I think they should be working along with industry, not as adversaries but as allies.”

Carson said he opposed Superfund status for Silverton as it might hurt the town’s reputation. Pursuing Superfund status should be up to the town’s residents, he said.

Also, Carson said if he were president, marijuana would be illegal across the country including Colorado. As a neuroscientist, he said, he knows too well the “deleterious affects on the developing brain” and objects to legalizing a substance that sabotages Americans’ intellectual potential.

Throughout his speech, Carson repeatedly decried the influence of “secular progressives” on the national debate, which he characterized as nefarious, and cast himself as the opponent of all things politically correct.

At other points in his speech, Carson variously denied ever experimenting on fetal tissue, defined gay marriage as an issue for the states, challenged modern-day society’s penchant for “changing everything” given America’s historical greatness as a country, and declared America to be Judeo-Christian nation.

At 2,000-strong, the audience that Carson drew early Tuesday afternoon in Durango with only a day’s notice was nearly four times the size of the crowd that showed up to the EPA’s amply publicized public meeting on a Sunday night in the immediate, emotionally charged aftermath of the Gold King Mine disaster.

Carson’s speech earned rave reviews from Durangoans.

Durango’s Melissa Miller, 55, said, “He gives me hope in America.”

Fort Lewis College student and track coach Jacob Hetrick, 23, said he appreciated Carson speaking “from a nonpolitical point of view.”

Though John Ogorzalek, 56, who owns a mini-storage facility in Durango, said he hadn’t yet decided whether to vote for Carson, he found Carson “intelligent and well-spoken.”

Durango's Rich Spraker said he didn't agree with Carson saying "he'd get rid of the EPA." He added, "I don't really blame the EPA" for Gold King. But after flirting with Donald Trump, John Kasich, and Scott Walker, Spraker said after hearing Carson speak, he was sold: "I was thoroughly impressed with him. This guy is only going higher, not lower."

### **Durango Herald**

<http://www.durangoherald.com/article/20150818/NEWS01/150819618/Interior-Department-to-investigate-mine-accident->

### **Interior Department to investigate Gold King Mine accident**

Tuesday, August 18, 2015 11:24pm

The Environmental Protection Agency announced Tuesday that the Department of Interior will do an independent review of the Gold King Mine blowout.

According to a news release, the Interior Department will work to assess what caused the release of three million gallons of metals-contaminated wastewater Aug. 5 from the mine near Silverton. The wastewater spilled into Cement Creek, which is a tributary to the Animas River. The sludge polluted the Animas for several days as it moved downstream to its confluence with the San Juan River.

The EPA, using a contractor, was working on the abandoned mine when it hit an earthen wall that had water and debris built up behind it. The rush of contaminants caused the Animas River to be closed for eight days and affected thousands of users in several communities in Southwest Colorado, northern New Mexico and southeastern Utah.

The investigation began Tuesday. The news release also said details of the review by the Interior

Department will be released as they become available, with full results anticipated to be made available to both the EPA and the public within 60 days.

“In addition to the independent review, EPA is conducting its own internal technical examination of the incident. Both reviews will help inform ongoing and planned site assessments, investigations and construction or removal projects,” the release said.

In other news about the Gold King Mine, the Silverton San Juan Incident Management Team announced Tuesday that it is repairing road damage in the area where the wastewater was released.

“Natural, earthen materials may enter Cement Creek, causing some discoloration,” the team said in a news release. “This discoloration is not from mine waste. Care is being taken to reduce the amount of material that may enter the waters of Cement Creek. These repairs are needed so that road traffic can safely reach the mines located above the damage.”

The release also said San Juan County has been receiving daily rain from the monsoonal weather patterns typical of this time of year. The higher flows may stir up sediment, but stream flows are normal.

### **Durango Herald**

<http://www.durangoherald.com/article/20150818/NEWS01/150819612/0/NEWS01/Celebrating-the-Animas->

### **Celebrating the Animas River**

River parade signals return of business, optimism

By Jonathan Romeo

Last Updated: Tuesday, August 18, 2015 11:24pm

4Corners Riversports owner Andy Corra stood along the banks of the Animas River, almost two weeks after a toxic mining spill critically contaminated its waters, and announced to more than 100 river enthusiasts: “Durango is back.”

To prove the Animas River is open and ready for business, Corra and other local river-rafting companies Tuesday organized a show of support at the 32nd Street put-in. Corra said although the incident was devastating to the community, he hoped the events of the past month would at least create political pressure that would initiate real change and cleanup on the river.

Just before 5:30 p.m., a large gathering of kayakers, boaters, rafters and inner-tubers prepared to float down the Animas, many for the first time since the spill.

Durango resident Sam Glaser, along with his two daughters, showed some reservations before casting off.

“It’s the sort of choice we have to make,” he said. “It makes me a little nervous ... but we’re exposed to all kinds of stuff elsewhere. I figure an hour-and-a-half on the river is probably worth the risk.”

Rafting companies rebounding

Earlier Tuesday, businesses affected by the river’s eight-day closure said the river celebration is part of moving forward.

“It’s important to come together as a community and be there while the river heals,” Jadea Braddy, office manager at Mild to Wild Rafting and Jeep Trails, said. “It’s also really important to show the world the river isn’t out there with a bunch of sludge and orange waste.”

Levels of contamination have been deemed “below what would be a concern for human health” by state and federal health officials, and recreational businesses are eager to rehabilitate the public perception of the river that dominated news headlines across the country after an estimated 3 million gallons of mining wastewater spilled from the Gold King Mine outside Silverton on Aug. 5.

For most outdoor adventure companies that rely on summer tourism, June and July are generally catch-up months from the slow spring season, while the income accrued in August is considered financially crucial for the business’ overall revenue.

Braddy said the eight days the Animas River was closed took a “big economic toll” on the rafting and jeep tour company, and she hopes the Environmental Protection Agency, which is responsible for the spill, will reimburse lost incomes. Rafting companies have yet to quantify how loss of revenue and uncertainty about long-term environmental impacts will effect their businesses, but they said tourism is slowly rebounding.

“There has definitely been an increase in calls,” Braddy said. “We’re taking people back on the river, and we’re excited to be out there.”

On Tuesday evening, river enthusiasts were just happy to lazily float down through the heart of Durango or follow the procession along the river trail. The overwhelming majority of the crowd was not worried about contaminated waters, instead cheering the fact the river is open for use.

“I think it’s important to remember there’s mines all over the region that have been leaking for a really long time,” Luis Benitez, who serves as the outdoor recreation industry director for the Colorado Office of Economic Development and International Trade, said. “I believe in the state health officials and the EPA. I don’t think they’d put anyone in harm’s way.”

## Skepticism lingers

But not everyone is convinced the river is safe for recreational activity. A few people at the 32nd Street put-in said it's not so easy to turn a blind eye to the orange sediment that contains heavy metals or that an estimated 864,000 gallons of wastewater continues to leak into the Animas River each day.

Resident Amanda Champany, who said she used to swim in the river before the spill, decided she needed a little more time before getting back into water.

"There's still sludge," she said. "I know there are heavy metals, and some can penetrate the skin. They talk a lot about the water quality, but not about the sludge."

However, river guides are adamant health officials would not have opened the Animas for use if the water posed a serious toxic risk to humans, reminding participants to wash with soap if they come into contact with orange sediment or discolored standing water.

Troy McLoed, who has owned Southwest Jeep and Raft for two years, takes a more cautious tone. He was unable to attend Tuesday's event because nearly all of his dozen or so employees quit, deciding to find new work or travel before the start of school.

However, he told The Durango Herald earlier in the day he is worried the spill will have a negative effect on tourism in the long run, similar to the 2002 Missionary Ridge Fire that burned about 73,000 acres of forest land.

"Now that the river's turned back on, it's not like the phone automatically starts ringing again," he said. "(And) people may decide not to come next year because they're still worried about the water."

## **Durango Herald**

<http://www.durangoherald.com/article/20150818/NEWS01/150819615&source=RSS>

### **Tipton letter to EPA demands answers about Gold King Mine spill**

Congressional group pressures agency

By Jonathan Romeo

Herald Staff Writer Article Last Updated: Tuesday, August 18, 2015 11:24pm

U.S. Rep. Scott Tipton, R-Cortez, and 29 of his congressional colleagues sent a second letter to the Environmental Protection Agency on Tuesday, demanding answers about the Gold King Mine spill. The letter presses EPA officials to better explain the circumstances of the Aug. 5 event that sent an estimated three million gallons of contaminated wastewater down the Animas River.

Since the orange sludge passed through Durango earlier this month, turning the river into a contamination zone, Tipton has been a vocal critic of the EPA, the agency responsible for causing the spill. Last week, he sent a letter to the EPA calling administrator Gina McCarthy to disclose plans for the cleanup of the contamination, and Monday, Tipton pledged to launch a congressional investigation into the agency's handling of the spill.

In his most recent letter, Tipton focused his questions on what led to the wastewater blowout, and the EPA's "unsatisfactory" response in the wake of the spill.

"We remain completely unsatisfied with the delay in notifying the impacted communities and

elected officials responsible for preparing and responding to a disaster such as this one,” he wrote.

Tipton asked why EPA officials took more than 24 hours to alert local agencies that a breach at the abandoned mine occurred and what steps the EPA plans to take in the future to avoid a similar delay.

He also demanded a timeline of the work on the mine to see any video or images of the incident if available and how much the EPA had planned to spend on the project that would have improved conditions at the Gold King Mine.

The EPA hired contractors for a restoration program that would have updated infrastructure in the aging mine. The EPA said those hired employees were working to reduce wastewater leakage when the structure holding back the toxic flow collapsed.

Tipton’s letter dug for information on the contracted company, asking if the firm would be held responsible for “damages sustained by individuals or communities based on the work they were performing.” He also asked at what frequency the EPA would continue to test the river and future plans for monitoring next spring when water levels are at its highest.

### **Fox 31 Denver News**

<http://kdvr.com/2015/08/18/durango-to-celebrate-reopening-of-animas-river/>

### **Durango to celebrate reopening of Animas River**

POSTED 6:01 AM, AUGUST 18, 2015

BY JIM HOOLEY

DURANGO, Colo. — People in Durango will celebrate the reopening of the Animas River on Tuesday. And residents will also get to ask the Environmental Protection Agency some very important questions about the river's recovery and its future.

The organizers of the celebration are planning a river parade Tuesday afternoon. They say they feel a sense of relief now that the river is open and they want to put the entire event behind them.

They're calling on boaters, tubers and bikers to turn out to mark the reopening. Every type of river craft is invited and marchers will parade along the river trail.

The celebration comes almost two weeks after the spill of 3 million gallons of contaminated mine water turned the river a nasty yellow and filled it with heavy metals.

The EPA is opening a local recover center as well. People can get information there about their health and safety, and possible financial assistance from any economic losses from the spill.

Also Tuesday, Republican presidential candidate Ben Carson will hold a town hall meeting with residents. That is scheduled for 2 p.m. The parade is scheduled to begin at 5:30 p.m.

### **The Hill**

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<http://thehill.com/policy/energy-environment/251407-carson-slams-epa-over-colorado-mine-spill>

### **Carson slams EPA over Colorado mine spill**

By Devin Henry

08/18/15 05:45 PM EDT

Republican presidential candidate Ben Carson slammed the Environmental Protection Agency (EPA) on Tuesday for its handling of a toxic spill into Colorado's Animas River this month.

"The citizens, businesses and peoples relying on the vitality of the Animas River deserve complete, transparent and expeditious accountability on this matter from the EPA," Carson said in Durango, Colo. He said the EPA should pay for clean-up costs the same way it would levy fines against private-sector polluters.

"I suggest that these reparations be paid from fines collected by EPA, and not by additional tax dollars from the general fund," he said. "The EPA must face the same consequences and same accountability as they require of each of us."

A team of EPA contractors inadvertently spilled 3 million gallons of toxic sludge into the Animas River earlier this month while inspecting an abandoned gold mine.

Carson toured the river by helicopter on Tuesday and later told supporters that the agency should not get a free pass for the spill.

"One wonders, if this accident had occurred at the hands of a private business, or even an individual property owner, would the EPA be as forgiving as they have been of themselves?" he said. "I think not."

Carson proposed a "new missions statement" for the EPA, including a focus on not harming the environment, issuing "objective" fines and penalties for polluters, and working with businesses and industries to write environmental regulations.

"We all want a better environment," he said. "We all want to protect the environment for

generations to come. We all want more common sense in the administration of our environmental laws and policies.”

Since the EPA’s Aug. 5 spill, officials have worked to track water quality in the region, which has returned to pre-spill conditions. The agency ceased all future mine inspections until the cause of the spill is identified.

Administrator Gina McCarthy visited the site last week, apologized for the accident and called for internal and external investigations into it. The EPA’s inspector general announced Monday that it had kicked off an inquiry.

The spill has drawn the ire of Republicans both at the Capitol and on the campaign trail.

Sen. Marco Rubio (R-Fla.), another presidential candidate, said last week that the spill illustrates the EPA’s “incompetence.” Front-runner Donald Trump said the incident proves the EPA should hand its duties over to state, not federal, regulators.

Lawmakers have promised to hold hearings on the matter when Congress returns this fall.

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### **International Business Times**

<http://www.ibtimes.com/colorado-mine-spill-2015-thousands-abandoned-mines-threaten-us-rivers-amid-slow-2057073>

**Colorado Mine Spill 2015: Thousands Of Abandoned Mines Threaten US Rivers Amid Slow Cleanup Efforts**

By Maria Gallucci

August 18 2015 8:11 AM EDT

The western United States is pockmarked by hundreds of thousands of abandoned mines like the Gold King site in Colorado, which spewed yellow-tinted toxic sludge into the Animas River this month. The nation's early rush to dig gold and minerals, combined with decades of lax regulations, has left a massive, lingering mess that state and federal officials say they're still fighting to clean up.

The open sores on America's landscape are tainting the soil and groundwater supplies in the western states, destroying river and desert ecosystems and exposing millions of residents to arsenic, lead and other health-harming materials, environmental experts say. Yet agencies estimate it could take decades before these abandoned mines -- some more than a century old -- are safely shuttered. Until then, disasters like the Animas River spill, which dumped 3 million gallons of wastewater on Aug. 5, could strike again.

"The longer you wait to deal with the problem, the more you're going to have these failures and these spills occurring," said Ron Cohen, a civil and environmental engineering professor at the Colorado School of Mines in the city of Golden. "And they're going to happen more frequently as the years go by."

Roughly 500,000 abandoned hard-rock mines are scattered across the U.S., with most concentrated in the 12 western states, according to federal estimates. The numbers are rough, however. Officials are still tallying the actual number of inactive mines, which are often difficult for researchers to explore due to flooding, unstable ground or dangerous conditions. It's also possible to overestimate the number of abandoned mines; for instance, two surface openings that connect to the same underground tunnel system may be counted as two separate mines.

The U.S. Geological Survey is building a database that will identify abandoned mines, including specific features like shafts and open pits, but the information is not yet available for public access, geologist Peter Schweitzer said by email. The Bureau of Land Management, which oversees mines on public lands, has so far identified 48,100 abandoned sites within its jurisdiction. Around 80 percent of the sites still need further analysis or environmental cleanup efforts, according to the agency.

## BLM Abandoned Mines

The Bureau of Land Management has counted 48,100 abandoned hard-rock mine sites on public lands, of which only 20 percent have been remediated or are in the process of being cleaned up. U.S. Bureau of Land Management

Abandoned mines can pose major threats to human health and the environment, although the scope of their risk depends heavily on the size, location and characteristics of each site. Dust containing arsenic, lead and radionuclides can blow from the mines and into surrounding communities. Heavy rains can wash away silt and debris from the mines, clogging waterways and flooding streets. And highly acidic water laced with metals can leak from sites for more than 100 years, polluting streams and contaminating fish habitats, harming people who drink the water or eat local fish.

Around 33,000 hard-rock mines have polluted local water sources or left behind piles of toxic “tailings,” the waste material created by processing ore to separate out metals. Mining activity across the board has contaminated about 40 percent of the streams connecting to watersheds in the West, according to the U.S. Environmental Protection Agency.

For most of U.S. history, prospectors and mining companies seeking gold, silver, copper and lead simply abandoned their mines after extracting all the valuable minerals. In the early 20th century, state rules on closing mines or handling toxic tailing ponds were weak. Cohen said he spoke in the 1980s with miners who worked in Colorado around the time of World Wars I and II. “They told me the environmental disturbance was merely a byproduct, a side effect of helping develop the country,” Cohen said.

Those attitudes started to shift in the 1970s, when the federal government began cracking down on rampant air and water pollution nationwide. In 1997, Congress adopted a series of policies to reclaim “abandoned mine lands” under the Surface Mining Control and Reclamation Act.

Undoing decades of widespread damage has proved an enormous task for the EPA, Bureau of

Land Management and other federal agencies responsible for addressing the inactive hard-rock mines. The federal government spent at least \$2.6 billion from 1997 to 2008 to reclaim the sites, and agencies estimate they spent roughly \$85 million more every year in this arena.

But in order to clean the mines, agencies must first find where they are and establish what risks they pose. The Bureau of Land Management still hasn't taken an inventory of an estimated 93,000 abandoned hard-rock mines spread across public lands in California, Nevada and Utah. Validating those sites could cost the agency \$212 million and take 20 years to complete, assuming the work is carried out by 10 two-person crews, the agency said in a November 2014 report.

The threat of leaks and spills from these sites is a growing problem as more people move out West, boosting the population's overall exposure to contaminated water and polluted air. The Gold King Mine spill in Colorado was alarming not just for its size -- other spills in recent years have rivaled this one -- but for how close the brightly colored toxic sludge came to communities in Silverton and Durango and on the Navajo Nation reservation.

Cohen, the Colorado mine expert, said he hopes the alarm raised by this month's disaster will spur federal and state officials to accelerate their mine cleanup efforts. "It may rekindle that focus," he said.

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### **KJZZ Radio 91.5 (AZ)**

<http://kjzz.org/content/179881/adeq-expects-no-noticeable-change-arizona-water-quality-after-mine-spill>

## **ADEQ Expects No Noticeable Change In Arizona Water Quality After Mine Spill**

By Andrew Bernier

Aug. 18, 2015

The near 4 trillion gallons of water in Lake Powell will greatly disperse Gold King Mine contaminants to have minimal effect on Arizona water quality.

After examining water quality samples locally and from up river states following the Gold King Mine spill, officials do not expect mine contaminants to greatly impact Arizona water.

Coordinating with Utah officials, the Arizona Department of Environmental Quality (ADEQ) analyzed samples taken nearly 100 miles upriver of Lake Powell in the San Juan River.

The data suggests that water quality conditions are generally consistent with pre-spill conditions. Additionally, ADEQ has measured it's own samples of water in comparison to historical levels and standards.

It does not expect the spill to have short- or long-term negative impacts to either Lake Powell or downstream in the Colorado River.

As remnants of the spill disperse into the lake, it is worth remembering the full contaminant volume would only equate to 71 millionths of a percent of the water currently in Lake Powell.

**KSL.com (UT)**

[http://www.ksl.com/?sid=36012584&nid=148&fm=most\\_popular&s\\_cid=popular-5](http://www.ksl.com/?sid=36012584&nid=148&fm=most_popular&s_cid=popular-5)

## **Water from mine spill reaches Lake Powell**

By Dennis Romboy

Posted Aug 17th, 2015 @ 10:33pm

SALT LAKE CITY — Contaminated water from a Colorado mine has made its way to Lake Powell, leaving Utah officials wondering about possible long-term effects.

Rep. Rob Bishop, R-Utah, spent Monday on the lake with federal and state officials and said he was encouraged by what he saw and heard about any immediate danger.

"They think it's fairly well-diluted. They expect it to be positive, but it won't be definite until later on," he said.

But Bishop still wants to hold the Environmental Protection Agency's feet to the fire "because that's short term. You really don't know what the long-term situations are."

Meantime, the EPA inspector general is investigating the cause of the spill and the agency's response, which has drawn much criticism for being slow. Rep. Jason Chaffetz, R-Utah, chairman the House Oversight and Government Reform Committee, requested the investigation last week.

Utah declares state of emergency, considers legal action over EPA spill

Gov. Gary Herbert issued a state of emergency Wednesday, while state officials contemplate legal action over the Colorado mine spill that sent contaminated river water to southeastern Utah.

The EPA and the Utah Department of Environmental Quality took water and sediment samples at the confluence of the San Juan River and Lake Powell, as well as other places on the lake over the weekend. Results were still being analyzed Monday, but the EPA said it does not expect any significant impacts to the lake.

There are no closures in the Glen Canyon National Recreation Area, but the National Park Service still urged recreationists Monday to carry their own drinking water and not rely on filtering or purifying water from the San Juan River.

EPA and contract workers accidentally unleashed 3 million gallons of contaminated wastewater Aug. 5 as they inspected the idle Gold King Mine near Silverton, Colorado. The spill released heavy metals including arsenic, cadmium, lead and mercury into a tributary of the Animas River, turning the water mustard yellow and raising concerns about long-term environmental damage.

The EPA took responsibility for the accident and promised to pay for remediation.

The spill affected rivers that supply water for drinking, recreation and irrigation in Colorado, New Mexico and Utah, as well as the Navajo Nation.

Richard Hepworth, state Division of Wildlife Resources aquatics manager in southern Utah, said he doesn't expect any immediate impact to fish in Lake Powell, but he wants to "ensure people aren't eating bad fish" in years to come.

Much of the contamination dissipated before reaching the lake, but Hepworth said he suspects some of the heavy metals settled at the mouth of the San Juan River.

Everytime there's a storm or we get runoff events in the spring, you'll start seeing that show up more and more in fish down in the lake. I don't know enough about it to say, yes, it is going to be a problem, or no, it isn't. But we'll be watching for those problems.

—Richard Hepworth, DWR

"Everytime there's a storm or we get runoff events in the spring, you'll start seeing that show up more and more in fish down in the lake," he said. "I don't know enough about it to say, yes, it is going to be a problem, or no, it isn't. But we'll be watching for those problems."

Wildlife Resources already checks fish for mercury and will now do additional testing for a variety of heavy metals, Hepworth said.

Bishop reacted strongly last week to the EPA's role in the breach, calling it an "impressive double standard." Had a private company caused the spill, the agency would have come down hard, he said.

The House Natural Resources Committee intends to hold hearings on what happened and how the EPA plans to take care of it, Bishop said.

The congressman said he was impressed with EPA and National Park Service workers' response to the spill on the ground. But the EPA in Washington, he said, responded slowly to its own regional offices, as well as the states. He said there was no reason for the 24- to 48-hour delay.

"As I've said at other occasions, the federal government just owns too much to really be effective in its control and management, and that's sad," Bishop said.

Federal officials, though, were complimentary of how Utah handled the situation, he said. The state started testing the water and the fish as soon as it became aware of the contamination.

The Utah Department of Agriculture and Food last Friday lifted advisories against using San Juan River water for crop irrigation and livestock watering.

Based on the latest state evaluation of water samples, Utah State University veterinary toxicologists found the river's highest levels of contamination posed no harm to plants, soils and animals.

The majority of the mine contamination passed through San Juan County last Tuesday.

Contributing: Associated Press

## **LA Times**

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<http://www.latimes.com/nation/la-na-river-spill-20150818-story.html>

### **Mine waste that fouled river isn't the only such sludge hidden in Colorado mountains**

By NIGEL DUARA

8/18/15, 4:00 AM

The San Juan Mountains' towering peaks poured gold and silver into the cities of the valley below, but nothing in this high, rugged country comes without a price.

The Environmental Protection Agency and a slate of state and local players have worried for decades about the poisonous waste and polluted water bequeathed by the rich mining history.

Locals thought the problem had been solved by pushing the toxic water back into the mountain. But then the mountain pushed back.

On Monday, the EPA's Office of Inspector General announced it would investigate the Aug. 5 spill and the agency's response. An EPA exploratory cleaning team narrowly escaped a 20-foot-high wall of orange water that coursed out of the Gold King Mine on Bonita Peak, about 12 miles north of Silverton.

Three million gallons of water laden with cadmium, lead and arsenic poured into tiny Cement Creek and from there into the Animas River, where Colorado and New Mexico officials cautioned people to stay out of the water and temporarily cut off irrigation to farms before restoring some use last week.

It is not the only source of pollution here. A series of other closed mines continues to pour 540 to 740 gallons of acid drainage per minute into Animas headwaters.

Who is to blame? The mining companies? The regulators who allowed the companies to plug a drainage ditch and let the water accumulate inside the mountain? Or the citizens of Silverton, who battled an EPA Superfund designation for more than 20 years?

No one can say for sure, but one thing is clear: The Gold King spill was years in the making.

"What's the original sin? Plugging that mine, then letting that water sit and letting the companies get away with it," said Mitchell Gillon, 30, who worked the mines for three years. "The EPA didn't make them fix it, and they're not going to do it on their own."

The mines' history is complicated, and any interconnectedness a mystery. With the flooding, no one can say with certainty whether one mine is connected to another and, if so, whose polluted water came out of Gold King.

Lithe and sinewy despite a months-long layoff from mine work, Gillon flicks a cigarette into Cement Creek without thinking, curses loudly and produces a pocketful of menthol cigarette butts to prove he is no litterbug.

"We love the place we live," he said, peppering his comments with a colorful combination of expletives delivered in a slight drawl.

"I want my kids, when I have them, to scratch their knees and bump their elbows here," he said. "We don't want this city gone. But we need mining back, responsible mining that won't dump metals like they did" in the 1890s.

## Mine waste

Toxic waste streams out of the Gold King Mine near Silverton, Colo., last week. (Geoff Liesik / Deseret News)

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Gold King closed in the 1920s, but another mine, the Sunnyside, was believed to have access to the same vein. To reach it, Standard Metal in 1959 drilled a massive pipe into the mountain, aiming to tap the vein of gold from underneath.

The so-called American Tunnel collected water from Sunnyside mine, and possibly from other mines, and dumped the toxic tailings into Cement Creek.

Then in 1972, the U.S. revised the Clean Water Act and the mine's wastewater became an expensive problem for Standard Metal. The company needed discharge permits and a treatment plant for the polluted water.

Standard Metal sold the mine and its pricey water treatment problem to a group that named itself Sunnyside Gold Corp., a subsidiary of Canadian mining giant Kinross Gold. The state of Colorado insisted that Sunnyside Gold contain or treat the seepages coming out of the mine.

The company closed the Sunnyside mine in 1991, but the mine tailings remained. Company officials' solution was to seal the hole with a concrete plug the size of a railway car. A similar plug was used at Gold King.

For decades, that was that. Polluted water continued to pool and seep out of the mine, but not from the American Tunnel. Facing yet more fines, the company struck a deal with the state in the form of a consent decree: The mine would continue to drip toxic metals into the water, but Sunnyside Gold would do multimillion-dollar reclamation projects downstream.

At the time, this was considered a success story in dealing with the EPA, which investigated the area as a potential Superfund site.

But Silverton is a tourist town now. So locals and the mining companies joined forces as the Animas River Stakeholders Group, seeking to avoid a Superfund stigma.

The Superfund program uses taxpayer money to clean up environmental messes but is a shell of its former self. The fund used to be supported by penalties assessed on chemical and petroleum companies, but Congress let that funding source lapse in 1995. The Superfund program announced it was out of financial reserves in 2003.

"We didn't want a Superfund because it is not super funded," said Bill Simon, co-founder of the Animas River Stakeholders Group.

Now, the owners of Gold King and Sunnyside are pointing fingers at each other and blaming the EPA.

"Kinross Gold Corp. [owner of the Sunnyside] is a rogue mining company," said Todd Hennis, who owns the Gold King Mine and blames Sunnyside for the accumulation of water.

"I believe Sunnyside knew it was going to happen and they stalled any action because it will cost them money to fix it," Hennis said.

Kinross categorically denied that Sunnyside had any involvement in the spill.

"The representative of Gold King mine is making unsubstantiated, baseless and irresponsible allegations," Kinross said in response to emailed questions from the Los Angeles Times. "To reiterate, while the state-approved [plug] Sunnyside completed was always expected to return the local water table towards historic natural levels, it did not cause the water buildup at Gold King."

Without going into the flooded mine, EPA regulators and mine experts say, it's impossible to know whether cracks, fissures, fractures, geological faults or even exploratory drill holes after World War II could have connected the mines.

Since the spill, locals have complained that the EPA ignored warnings about toxic mine water and responded to questions with vague or nonexistent answers.

In a conference call with reporters last week, EPA Area Commander David Ostrander said the Sunnyside and Gold King mines "may have some connections back and forth." When asked later by email to clarify whether he believed such connections were possible, he replied, "We aren't going to comment on this."

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## **NPR**

<http://www.npr.org/2015/08/17/432600254/navajo-nation-farmers-feel-the-weight-of-colorado-mine-spill>

### **Navajo Nation Farmers Feel The Weight Of Colorado Mine Spill**

AUGUST 17, 2015 5:04 PM ET

LAUREL MORALES

Initially the agency downplayed the incident and provided little information. So Navajo President Russell Begaye traveled to the source of the toxic spill and posted a video of it on Facebook.

In the video, he stands in front of the still-leaking mine.

"This is the story that was related to us just now," he says. "The person was working the backhoe and trying to block off more of this area, but then he saw a spring ... and the water burst through here and it went straight down the mountain."

It's where rancher Irving Shaggy gets water for his family's livestock and to irrigate his fields.

"[I've] been growing sudangrass for my cattle and sheep, which is our livelihood," Shaggy says. "We sell the wool; we sell the cattle every year."

But Shaggy doesn't know if his cattle will be contaminated and unsaleable. He fights back angry, tired tears at the disruption of his usual routine.

"I mean, I'm upset, mostly because every two days I haul water to my livestock," he says. "And I get it from the river and I irrigate my fields."

Now, he says, he has to make a 70-mile round trip to get water.

"I can't irrigate," he says. "It's taking a lot out of me cuz I've been hauling out of the other river and that costs a lot of money."

Shaggy says the EPA isn't providing enough clean water or enough information, leaving him and hundreds of other farmers to speculate about the rest of the farming and ranching season — and the future.

"It's going to be a long struggle," he says. "The water's still contaminated and it's embedded in the mud and the rocks and the tree branches along the river."

This contamination brings up memories of other environmental disasters caused by the federal government. One in particular that Navajo people are talking about is uranium mine contamination — a decades-long legacy that still affects people on the reservation today. The EPA has only started in the last seven years to clean up those mines.

At an EPA meeting at the Shiprock Chapter House last week, a farmer spoke angrily to EPA representatives.

"These folks here are hurt," he said. "They're connected to the land. They're connected to the water. We can't be compensated for that. We can't be compensated for all the prayers that was given to that water of life."

"We are working hard very hard to get this right," answered EPA emergency responder Randy Nattis. "I'm frustrated. I know everyone here is frustrated. I haven't slept. No one has slept since this has happened."

The Navajo say it's difficult to trust the EPA when agency workers spent much of last week handing out forms to the farmers that would essentially waive their rights to sue the federal government for future damages.

The Navajo president said in a statement, "The Feds are protecting themselves at the expense of the Navajo people and it is outrageous."

### **Parker Pioneer (AZ)**

[http://www.parkerpioneer.net/news/article\\_2427f0bc-451f-11e5-b13f-43bc32b3ae85.html](http://www.parkerpioneer.net/news/article_2427f0bc-451f-11e5-b13f-43bc32b3ae85.html)

## **Mine spill likely won't affect Parker waters**

Posted: Monday, August 17, 2015 1:32 pm

By John Gutekunst Parker Pioneer

A spill of waste from an abandoned mine in Colorado is making its way through tributaries into the Colorado River, but it's unlikely it will affect surface, ground or drinking water in Arizona. La Paz County Health Department spokesperson Kim Poorbaugh said the waste is being drained and diluted as it heads downriver.

"The contamination level should be negligible by the time it gets here," Poorbaugh said Aug. 13.

The spill occurred Aug. 5 at an abandoned mine near Silverton, Colo. In published reports, the U.S. Environmental Protection Agency said they were attempting to insert a pipe into the mine in order to drain off the waste material and treat it.

They underestimated how much pressure had built up underground. As a result, 3 million gallons of waste material was released into the Animas River.

The spill includes high concentrations of arsenic, lead and other heavy metals. The governors of Colorado, Utah and New Mexico have declared states of emergency and closed portions of the Animas and San Juan Rivers that feed into the Colorado. The Navajo Nation has also declared an emergency and shut down drinking water intake systems.

The states of Colorado, Utah and New Mexico and the Navajo Nation are considering legal action against the EPA.

The Arizona Department of Environmental Quality issued a press release on the spill Aug. 10. They stated it did not appear the spill would affect water in Arizona.

"At present, available information suggests that the Gold King Mine spill has not affected Arizona's surface, ground or drinking water," the press release stated. "EPA preliminary data collected within 24 hours of the spill showed that contaminant levels were 50 percent lower after moving about 10 miles downstream of the release site - Lake Powell is located another 250 miles further downstream."

The release went on to say ADEQ would send a team of water quality monitoring professionals to conduct testing both upstream and downstream of Glenn Canyon, which forms Lake Powell.

In addition, they would be working closely with the state, local and federal agencies involved in order to monitor water quality.

Poorbaugh said the spill is not expected to affect ground, surface or drinking water in Arizona or in La Paz County. She said water flows from dams have been increased to flush out the waste material. The EPA has also created eight drains to force the pollution out of the water.

Lake Havasu City water official Doyle Wilson added some of the compounds would settle at the bottom of lakes and reservoirs.

“It’s got to go a long way before it gets here,” Wilson said. “I would be surprised if we detected anything by the time it got here.”

Poorbaugh said the La Paz County Health Department would be working with the EPA and ADEQ to monitor the situation and keep the public informed about the spill.

Reporter Zachary Matson contributed to this story.

### **PBS News Hour**

<http://www.pbs.org/newshour/bb/toxic-spill-causes-hardship-navajo-farmers-ranchers-downstream/>

### **Toxic spill causes hardship for the Navajo farmers and ranchers downstream**

August 17, 2015 at 6:35 PM EDT | Updated: Aug 19, 2015 at 11:02 AM

### **TRANSCRIPT**

JUDY WOODRUFF: It’s been 12 days since an accident at a defunct Colorado gold mine fouled rivers in three states.

Special correspondent Kathleen McCleery has an update on the impact the spill has had on Native Americans and others in Northwest New Mexico.

KATHLEEN MCCLEERY: The sunflowers in Upper Fruitland, New Mexico, are drooping.

LORENZO BATES, Speaker, Navajo Nation Council: When you look at them now, they're all hanging over because they haven't — they need water.

KATHLEEN MCCLEERY: On LoRenzo Bates' farm, it's not just sunflowers in trouble. The alfalfa, key for feeding his animals, is stunted.

LORENZO BATES: This is right now 12 days behind. This hay has to get me through the winter season.

KATHLEEN MCCLEERY: Bates, the speaker of the Navajo Nation, tallied his losses so far at \$1,000 in just one week, no small amount in this poor region. It's all because Bates and thousands of others here couldn't pull water from the San Juan River, which abuts his land. Irrigation ditches were shut down after the mine accident earlier this month 100 miles north in Silverton, Colorado.

Efforts by the Environmental Protection Agency to clean up one mine resulted in a breach at another, the Gold King Mine, which has been inactive since 1923. A three million gallon toxic stew of heavy metals poured downstream, turning the Animas River a shocking yellow.

The Animas flows south and meets the San Juan in Farmington, New Mexico. Then it snakes north into Utah, where it skirts the upper edge of the Navajo Reservation. Eventually, it turns south into Arizona and ends up in a branch of Lake Powell, a journey of nearly 500 miles.

Among those hardest-hit are the Navajos, the nation's largest Native American tribe; 300,000 of them are spread out on a reservation larger than 10 states. The chapter in Shiprock, named for its enormous rock outcropping, has issued warnings to its members.

DUANE “CHILI” YAZZIE, President, Navajo Nation Shiprock Chapter: Stay away from the river. Do not use the river water for anything.

KATHLEEN MCCLEERY: Chili Yazzie is the chapter president. He’s coordinating water deliveries to tribe members.

CHILI YAZZIE: There are many livestock owners that rely on the river for water for their livestock. As the local government, we began delivering water to at least those livestock animals.

KATHLEEN MCCLEERY: An alphabet soup of state, federal and local agencies are working with Navajos and other farmers and ranchers to evaluate the problem and fix it. Public meetings happen nearly every day, where ordinary citizens can take concerns directly to officials.

WOMAN: I have to say, I want to believe you, but I’m not comfortable with the idea of cleaning a ditch after the season.

MARK HAYES, On-Scene Coordinator, Environmental Protection Agency: This was not something that was intentionally done.

KATHLEEN MCCLEERY: Mark Hayes is the on-site coordinator for the EPA.

MARK HAYES: This has deeply and greatly impacted a lot of people and put a lot of people at an inconvenience. So you can imagine that — the frustration that comes out of that. So, we still have some concerns out there. And we’re not — we’re not trying to downplay it or anything like that. But it’s definitely a concern, and there’s definitely a sense of urgency that we’re trying to get this handled.

KATHLEEN MCCLEERY: The agency, which ordinarily investigates environmental disasters,

has taken responsibility for this one.

Administrator Gina McCarthy:

GINA MCCARTHY, Administrator, Environmental Protection Agency: This is a tragic incident. I am absolutely, deeply sorry that this ever happened, but I want to make sure that we react positively, and in a way that's credible, and we move this forward.

KATHLEEN MCCLEERY: But that's not enough for New Mexico Governor Susana Martinez, who surveyed the scene last week.

GOV. SUSANA MARTINEZ (R), New Mexico: Well, we certainly expect the EPA to pay for every bit of the costs for this catastrophe. They caused it. They pay for it.

KATHLEEN MCCLEERY: The governor has threatened legal action against the EPA, as have Navajo leaders.

LORENZO BATES: It's a given that folks are going to sue the — the U.S. EPA. So President Obama is going to be the one that's going to end up at some point in time possibly signing a check. The question is, how big is that check going to be?

KATHLEEN MCCLEERY: Settling ponds are reducing the contamination for now. The Gold King Mine is not unique. There are a half-a-million abandoned mines around the country, more than 20,000 in Colorado alone. And some are leaking dangerous chemicals.

According to the EPA, a nationwide clean up could cost as much as \$50 billion. Back on the San Juan River, the golden hue has dissipated.

DENNIS MCQUILLAN, State Scientist, New Mexico: What we're doing now is measuring the electrical conductivity, the mineral content of the river water.

KATHLEEN MCCLEERY: State scientist Dennis McQuillan has run tests comparing river water with water from nearby wells.

DENNIS MCQUILLAN: So, remember, it's 474 in the river, so it's going to be stabilizing in just a minute.

KATHLEEN MCCLEERY: Almost 1,800.

DENNIS MCQUILLAN: Almost 1,800. And what this tells us is that this well has groundwater, not river water. This well has not been touched by the contamination in the river. And this is a really good thing.

KATHLEEN MCCLEERY: That allowed state officials to give an all-clear to resume drinking well water. Saturday night, they began scheduling irrigation and lifted the ban on recreational use of the river.

But they advised residents to wash with soap after contact with the water and warned against eating any of the fish. But the Navajos, a sovereign nation, haven't lifted their restrictions. And many are worried about the long-term environmental impact of the spill.

GOV. SUSANA MARTINEZ: Sometimes, when you look at the river, it seems like normal. But what has settled, but what solids have settled to the bottom of the river?

KATHLEEN MCCLEERY: Those solids could be roiled up in a heavy storm. Protecting and preserving the river is especially important for the Navajos, who've lived here for more than 600 years, and for whom the land and water have very special meaning.

DUANE “CHILI” YAZZIE: The water and the land are very central to our — to our way of life, not only physically, but spiritually. We are in a state of mourning. It’s like losing somebody.

KATHLEEN MCCLEERY: I’m Kathleen McCleery for the PBS NewsHour on the Navajo Reservation in Northwest New Mexico.

### **Phoenix New Times (AZ)**

<http://www.phoenixnewtimes.com/news/animas-river-spill-unleashes-potential-disaster-on-navajo-nation-7575696>

## **ANIMAS RIVER SPILL UNLEASHES POTENTIAL DISASTER ON NAVAJO NATION**

BY MIRIAM WASSERWEDNESDAY

AUGUST 19, 2015 11:00 AM EST

Two weeks after an accident in an abandoned mine in Colorado caused more than 3 million gallons of toxic, heavy-metal-laden sludge to gush into the Animas River, disaster looms for the northern Navajo Nation.

Thousands of acres of farmland could dry up, and hundreds of families could see their primary source of income disappear.

Many miles of coastline along the San Juan River, a downstream tributary of the Animas, are designated agricultural areas, and many farmers there still are without a reliable source of uncontaminated water for their crops. Though the drinking-water ban was lifted on August 7 because residents receive their water from a reservoir upstream from where the Animas and San

Juan rivers meet, the ban on accessing river water for crops and livestock still is in place.

The U.S. Environmental Protection Agency, which oversaw the contractor responsible for the spill, has been conducting water-quality tests for days along the hundreds of miles of affected waters and says most areas are at or close to pre-contamination levels. A sediment study from near Shiprock released Tuesday shows that “sample concentrations are trending toward pre-event conditions.”

Yazzi says there also are independent tests being done but that so far he and others have only seen the U.S. EPA’s results: “It’s saying the water is fine, but of course we’re skeptical.”

To prevent a catastrophic crop collapse, the EPA ordered a massive delivery of clean water for farmers to use. The company SSS Trucking was responsible for bringing in 11 16,000-gallon containers and the water to fill them, but when the first farmers lined up Saturday to tap into the supply, what came out of the valve was discolored, had an oily sheen, and smelled like petroleum.

“We were feeling some relief in thinking that we were going to be getting water to our crops,” Yazzi says. “We knew that the farmers up-river, the non-Native farmers, were doing exactly that [and] were having water delivered to water their crops from some of the same contractors that were hired to run the water here.”

He says the company “kept trying to assure people that the water was clean, but if the water comes out smelling like petroleum, you know it’s not certified clean.” (SSS Trucking did not respond to a request for comment.)

Most refused to use the water, though Yazzi relays a story he heard from a local farmer early Tuesday morning. The man said he had used the trucked-in water on his fields, and even now, a day later, it still smells faintly of petroleum and the plants are covered with an oily sheen.

“The hopes of the farmers of actually being able to save some of the precious crops were obliterated in an instant with the tainted water,” Yazzi wrote on Facebook recently. “EPA and

SSS Trucking were told to take the water and dump it off Rez, to load up the tanks and get off the Rez . . . Now the Chapter, the Navajo Nation, and [the Bureau of Indian Affairs] are scrambling to secure other sources for water. Crops are getting thirsty; it is reaching critical stage. Pray for rain.”

There are at least 750 unique land-use permits for farming in Yazzi’s area, but to calculate how many people are affected, he thinks you’d need to multiply that number by at least seven or eight because often multiple generations of the same family work on a farm together.

The EPA, having vowed to compensate people for spill-related damages, spent much of last week distributing paperwork for people to document their losses. But the documents included a tricky waiver that if signed, essentially absolved the EPA from paying out any future claims. Yazzi says a waiver like this is deeply problematic because “we know that a lot of the damage and effects of heavy metals are permanent, [and often] not seen for many, many years,” and he adds that the EPA stopped distributing the forms following public outcry.

Still, it’s the unknown long-term effects of the spill that really worry him. He wonders what will happen not just to humans and crops but to the wildlife — deer, bears, birds, and even wild horses — that drink the river water.

He knows that the nature of the media cycle is such that big issues like the Animas River spill may dominate for a week or so before people either lose interest or focus their attention on a new catastrophe.

“There have been a lot of tears shed. It’s very painful situation that our farmers have been placed in. [But] I’m not really paying attention to how people are viewing this on a national basis [or] whether people are losing interest,” he says. “Because it doesn’t really matter if people lose interest — we’re the ones stuck with the problems.”

### **Pine River Times (CO)**

<http://www.pinerivertimes.com/article/20150818/PRT01/150819810/-1/prt/Vallecito-businesses->

## **Vallecito businesses fear tourism impacts from toxic mine spill**

By Carole McWilliams

Times Senior Staff Writer Article Last Updated: Tuesday, August 18, 2015 3:34pm

Worries about area tourism impacts of the toxic mine spill in the Animas River were among the topics raised Monday evening at a La Plata County Commissioners "on the road" meeting at Vallecito.

"We've had half a dozen phone calls asking, is this a problem?" Pine River Lodge owner Donna Atkinson said, referring to the Aug. 5 toxic mine spill that turned the Animas River orange temporarily and made national news. "I haven't seen any problems losing customers, but I'm worried about the future." She worried that it will affect tourism in the entire area. Her family has owned Pine River Lodge for more than 50 years.

County Commissioner Brad Blake said, "It's real. People have cancelled property viewings." Local business development and promotion groups are working to address that, he said, citing the Durango Area Tourism Office (DATO), Durango Business Improvement District (BID), Durango Chamber and La Plata Economic Development Alliance.

County officials met with those groups on Aug. 10 and asked them to identify impacts on businesses, County Manager Joe Kerby said. They are being asked to quantify financial impacts and develop a strategy to combat negative effects on area tourism. That group is meeting once a week, he said.

"I do think there will be an impact we have to combat," Kerby said, citing the now-iconic picture in the Durango Herald of three kayakers in the orange water at Bakers Bridge.

County Commissioner Julie Westendorff said companies that rent paddle boards have been promoting area lakes as an alternate place for people to use their product.

County Emergency Management Director Butch Knowlton gave a recap of the toxic spill from the Gold King Mine above Silverton and the response to it. "We were notified on Wednesday, the 5th. I found out how bad it was from the train crews coming down the canyon. They said it's really ugly. Each one of the trains gave a report, and we were able to track it by milepost. We knew when it would get to the valley" north of Durango.

"The hard part for us was we didn't know what it was, how bad was the water," Knowlton said. "It took the EPA days to take (river water) samples and get them back to us. We finally determined the sediment wasn't as bad as it looked."

He commented, "It's been very rewarding to see the responses that came in, very expensive to the taxpayers of the U.S. This is the first time in my career that I've responded with a bunch of doctorate degree people. Some I enjoyed working with, some you'd want to push out the back door."

As of Monday, he said the Animas River was being affected by a pH imbalance that made the water green.

Westendorff said, "As an injured party, we're tendering bills to the EPA for (county) employees who were taken from their regular jobs, other costs, providing space to the EPA" at the fairgrounds. "And for business owners who lost business. We've given a list of demands to the EPA about compensation and fixing the situation with the mines. They are putting around 1 million gallons per day into the river. And there are other mines. And monitoring domestic water wells" near the Animas.

Commissioner Gwen Lachelt added, "We hired our own water expert to do independent testing and analyze the EPA's analysis," which she described as trust but verify.

"The EPA will be paying for that as well," Westendorff said.

Vallecito Chamber president Paul Eckenrode said, "We appreciate everything you've done. We'd be short-sighted to think we aren't affected in some way."

### **Salt Lake Tribune (UT)**

<http://www.sltrib.com/home/2852102-155/utah-lawmakers-speculate-feds-mightve-orchestrated>

#### **Utah lawmakers speculate feds might've orchestrated toxic river spill, ask AG to investigate**

By BRIAN MAFFLY

First Published Aug 18 2015 08:36PM

Last Updated Aug 18 2015 11:05 pm

Two Utah lawmakers on Tuesday speculated that federal environmental officials might have deliberately triggered the Colorado mine release that sent 3 million gallons of toxic sludge into a San Juan River tributary, and asked Utah Attorney General Sean Reyes to investigate the possibility.

Reyes was briefing the Utah Water Development Commission when Sen. Margaret Dayton, R-Orem, suggested the Environmental Protection Agency could have breached the Gold King Mine in an effort to justify Superfund designation for the long-dormant gold mine.

Rep. Mike Noel, whose district covers Utah's southeastern corner, affected by the spill, joined Dayton in theorizing — neither offered evidence — that the EPA may have caused the release to help environmentalists put a halt to mining.

Reyes said he would inquire into the matter when he visits with EPA officials at the mine Wednesday to assess the spill site, but a Salt Lake City environmentalist blasted Dayton and Noel's claim as "ridiculous, unprofessional, paranoid nonsense."

Zach Frankel, executive director of the Utah Rivers Council, noted that environmental activists agree EPA holds a lot of blame — for causing the release and for its slow response to it — but he believes Noel's suspicion is misplaced.

"To deliberately cause this would not only violate the Clean Water Act, there would be a whole set of criminal charges that could be filed," Frankel said in an interview.

He challenged the lawmakers to channel some of their outrage toward oil companies that contaminate Utah rivers.

"A year ago when an oil company polluted the Green River there were so many state interests willing to look the other way, but when EPA does it, suddenly it's a conspiracy," Frankel said.

In May 2014, an old well operated by S.W. Energy Corp. near Moab blew out, spilling thousands of barrels of hydrocarbon-laced water into the river just above Labyrinth Canyon. Frankel criticized the Utah Department of Environmental Quality for failing to adequately monitor water quality.

"They have no proof of contamination because they didn't go downstream to sample. They asked me what would be the purpose of that," Frankel said. "If it's an oil company, we don't need to sample, but if it's the EPA, you want damages."

In contrast to its response to the S.W. Energy blowout, he said, DEQ threw lots of resources at the Gold King spill as the acidic plume, laden with arsenic and other heavy metals, washed down the Animas and San Juan rivers on its journey to Lake Powell.

While questions remain about the spill's long-term impacts, monitoring indicates the short-term crisis has passed.

"The numbers show we are below the standard of concern for irrigation and stock watering," said Alan Matheson, DEQ executive director.

Matheson said his agency has run up a huge tab confronting the crisis, dispatching numerous officials from the Division of Water Quality to the San Juan to conduct monitoring.

"We flew samples to Salt Lake to get results back within 24 hours," Matheson said. "We thought it key the folks in Utah know the impact as soon as possible. We have incurred significant expenses, significant overtime taken away from their normal jobs."

Reyes said he intends to recoup these costs, which EPA Administrator Gina McCarthy has promised would be paid, as well as help recover damages for ranchers and farmers who have had to haul water because the mine waste contaminated their irrigation supply.

"We need to be compensated for the emergency response and long-term remediation. We want someone to pay and at the very least it should be EPA and other culpable entities," Reyes said, referring to EPA contractors and the mine owners. "There are a lot of monitoring costs up front and over the long haul."

His office is exploring a variety of legal options and intends to wait to see how EPA responds to the affected states' claims before deciding on a course of action.

**Wall Street Journal**

## **LETTERS The Perpetrators Should Pay for the EPA-Yellow River**

August 19, 2015

I hope the states of Colorado, New Mexico and Arizona wring some recompense from the federal government to repay their citizenry for their loss of income and for having to clean up what the EPA Mine Busters created.

Thank you for your Aug. 12 editorial "Mine Busters at the EPA." We Coloradans feel exactly as you have stated. The immense stupidity of the EPA is difficult to understand. You should see the dismay of all those in small Colorado towns along the contaminated rivers who depend on summer tourism for a living. The season for fly fishing, kayaking and river rafting is short to begin with, and now this 2015 season has a big hole poked in it as the contamination has essentially stopped all such activity for the remainder of this season.

The comparison to the damages sought on the Gulf Coast over the BP Horizon disaster is a perfect counter piece. I also thought of Duke Energy's coal ash 2014 debacle in Appalachia. It is difficult to understand how the EPA has immunity in such an instance. Perhaps it needs protection when trying to actually clean up an unfolding environmental disaster, but how about the disasters it actually creates from situations not requiring remediation? I hope the states of Colorado, New Mexico and Arizona (California, too?) are persuasive enough to wring some recompense from the federal government to repay their citizenry for their loss of income and to repay the states for having to clean up what the EPA Mine Busters created.

John E. McElhiney, Ph.D.

Centennial, Colo.

In July 1991 a Southern Pacific train derailed north of Dunsmuir, Calif., on the Sacramento River, spilling 19,000 gallons of Metam sodium, an agricultural pest fumigant with a hydrolysis half-life (decomposition in water) of 2.2 days and an even faster decomposition rate when exposed to air. That's 19,000 gallons versus the EPA's three million gallons and counting into the Animas River in Colorado. It ran an opaque, sickening yellow orange for days, depositing toxic heavy metal sludge along an over 300-mile path headed for drinking water reservoirs and the Grand Canyon.

In 1991, 60 federal, state and local agencies descended on Southern Pacific demanding immediate action. Then-Rep. Barbara Boxer demanded congressional hearings, and Southern Pacific executives were immediately dragged to Washington, D.C. Demands were made for "reparations" and massive financial assistance with calls for company representatives to be jailed and fined. For its part, Southern Pacific responded within hours of the spill, hiring top national experts, spending unrestricted millions of dollars, hiring environmental clean-up experts and engaging world renowned toxicologists and engineers from all disciplines. In two weeks the toxins were gone.

Contrast that with the EPA's recent Animas River spill. There were no hearings. The EPA took a couple of days to even admit what happened and then understated the spill by three times. The head of the EPA apologized and said essentially that accidents happen. The heavy metal sediments will be there for generations. Where is the public outcry? Where are the legions of plaintiffs lawyers descending like locusts on the affected townspeople explaining to them how sick they are and how bad this will hurt them? Where is Barbara Boxer and her "on-site" hearings?

Like the VA, the EPA will never be held to account. The SP, now part of Union Pacific, is still being held to account.

John F. Spisak

Lone Tree, Colo.

It is nice the EPA apologized for contaminating the Animas River, but that agency would not accept an apology if someone else or a business did this. There would be a big fine and other

penalties. I think the person in charge of this operation should be fired or at least demoted, and the EPA should reimburse the affected states for their expenses. If they do not have the money, then they should lay off people to get the money they need, as would be done with any business.

Gary Oetting

King City, Calif.

The Journal justifiably criticizes the EPA for causing a bad situation and then making it worse. But what the editors fail to mention is who, exactly, left all those thousands of abandoned mines full of waste? Thousands of miners, both individual and corporate. Did the federal government make those mines and earn the profits from the metals extracted therefrom? No. Yet it is left to the feds, and by extension the American people, to clean up the private sector's mess.

Joseph Lowry

Arlington, Va.

While discussing with my family the EPA's release of toxic waste and the wrong way to address an error, we began to describe the color of the water as "EPA yellow."

David Birney

Derwood, Md.

**White Mountain Independent (AZ)**

[http://www.wmicentral.com/opinion/editorials/epa-toxic-spill-is-not-the-only-problem/article\\_43cfbf30-4549-11e5-b8fe-ef33d50f48a7.html](http://www.wmicentral.com/opinion/editorials/epa-toxic-spill-is-not-the-only-problem/article_43cfbf30-4549-11e5-b8fe-ef33d50f48a7.html)

## **EPA toxic spill is not the only problem**

Karen Warnick - The Independent

Posted: Tuesday, August 18, 2015 5:00 am

By now, there are plenty of outraged people in the western states of Colorado, New Mexico, Utah, Arizona and California over the 3 million gallons of mine waste that was “accidentally” released into the Animas River in Colorado by contractors for the Environmental Protection Agency.

They all have plenty of reason to be outraged: the spill was not reported to anyone until almost a full day after it happened; the agency has downplayed the toxic effects of the lead, arsenic, cadmium, aluminum, copper, and who knows what else (certainly not the EPA); the lack of communication with anyone involved; the slow response to doing anything about it; and the lack of information about how they are going to both fix it and help those who are most affected.

The EPA did accept full responsibility for the spill, for whatever good that does. Gina McCarthy, the head of the EPA has sincerely apologized, but then says things like: “the lag time is mainly due to the nature of the government’s efforts ... It does take time to review and analyze data ... As far as I know, we have been thankful that there are no reported cases of anyone’s health being compromised.”

Yeah, well, the effects of these toxic materials can take years to show up.

Politicians and officials of various agencies have had plenty to say: “This is a government bureaucracy at its worst: asserting itself more and more into the livelihoods of so many Arizona residents by claiming every backyard puddle is a protected waterway under EPA jurisdiction, yet failing miserably to properly handle a basic procedure to ensure a safe water supply,” Arizona Republican Party Chairman Robert Graham said. “This is one of the most visible and outrageous displays of incompetence at the hands of officials who seem to be doing everything except protecting our environment, and on behalf of Arizona voters we demand a full explanation and assessment of the harm caused to our environment.”

Others are already talking lawsuits and fining the EPA. What they don’t realize is that lawsuits will be paid for by the taxpayers. Fines will be paid by the taxpayers. Cleanup will be paid for by

the taxpayers.

Because the EPA is not a private corporation, fining them will not do any good. It will only hurt all of us somewhere down the road when there isn't enough money in some budget or another.

The denial by the EPA that there will be any major health problems once the spill has spread out is just plain crazy. We're talking about an agency that makes the lives of millions of people miserable for minor infractions of their rules and regulations.

Here are some of the real problems about this spill that aren't getting as much attention.

Long-term exposure to arsenic can cause blindness, paralysis and cancer. We all know what lead poisoning can do to the body as it's been banned in almost everything. For the EPA to downplay any environmental impacts goes against their own propaganda and just plain common sense.

There are over 55,000 abandoned mines in western states, and most of them are toxic. Why hasn't something been done before now? Why haven't the mining companies been held accountable to clean up their own messes? The Gold King mine has been abandoned since 1923.

Who is going to be responsible to monitor the millions of acres of rivers, streams, lakes, wildlife, humans, and vegetation that could, and probably will be affected by the toxins? Who is going to pay for all the cleanup, monitoring, and ill effects? Who is going to pay for the lost revenue of towns, communities, and small business owners who depend on those rivers, streams, wildlife and vegetation to feed their families?

Yeah, it will be us, the taxpayers.

For me the real problem is the EPA and its tyranny over all things they consider harmful. Here is something that is really harmful and it's being downplayed. They have just lost all credibility.

The real problem is doing something to reign in the EPA and the for-profit corporations that make billions of dollars exploiting our resources and who aren't being held accountable for their actions.

Anyone remember the Love Canal debacle? Chernobyl? Three Mile Island? The Gulf of Mexico oil spill? Fukushima? GMO's? Pesticides? Asbestos?

None of these will ever be over and to think that this new toxic blight will just go away is wishful thinking. It's not about the immediate effects. It's about the buildup of toxics from all sources in our world.

For decades we've been downplaying, ignoring and covering up the harmful effects of our modern technology. We've allowed, no, we've encouraged corporations to pollute our world, all in the name of progress (money).

The cumulative effects of all of this will one day rear its ugly head and it will be too late to do

anything but watch our world die.

### **Yuma Sun (AZ)**

[http://www.yumasun.com/news/adeq-state-unlikely-to-see-effects-from-toxic-colo-mine/article\\_3c58a47c-462c-11e5-a2f9-139bfc7d0725.html](http://www.yumasun.com/news/adeq-state-unlikely-to-see-effects-from-toxic-colo-mine/article_3c58a47c-462c-11e5-a2f9-139bfc7d0725.html)

### **ADEQ: State unlikely to see effects from toxic Colo. mine spill**

Posted: Tuesday, August 18, 2015 9:39 pm

By Blake Herzog @BlakeHerzog

Arizona Department of Environmental Quality officials said Tuesday water quality readings north of Lake Powell lead them to believe the state won't see any effects from this month's spillage of 3 million gallons of mining waste into the Colorado River system.

Samples taken from the San Juan River about 100 miles upstream from Lake Powell in Utah, the closest point to Arizona that's been studied, have produced water consistent with conditions before the accidental release of sludge containing lead, arsenic and other heavy metals Aug. 5.

"Based on what we're seeing with the water flowing into Lake Powell, we don't expect there to be noticeable change in water quality in Arizona," ADEQ Director Misael Cabrera said.

Lake Powell at the end of last month held about 4 trillion gallons, Cabrera said, which means the 3 million spilled amounts to .000071 percent of the total volume of Lake Powell: "ADEQ does not expect this spill to have short- or long-term negative impacts to Lake Powell and the downstream Colorado River."

ADEQ spokeswoman Caroline Oppelman said the agency is expected to receive results by today from samples taken from Lake Powell and the Colorado River at Lee's Ferry last week, in the wake of the incident. "Those samples were taken to establish a baseline, like we do day in and day out," she said.

Environmental Protection Agency employees and contractors inspecting the Gold King mine near Silverton, Colo., inadvertently drilled through a wall retaining the mining wastewater,

sending a dramatic yellow-orange plume into Cement Creek, which feeds into the Animas River, which in turn rolls into the San Juan River.

Local authorities on Friday began lifting use restrictions on the Animas and San Juan rivers as water quality readings return to levels from before the incident, Oppelman said.

City of Yuma officials released a statement Aug. 10 that the incident is not expected to affect the city's water supply, taken mostly from the Colorado River, and relayed a quote from the ADEQ's Tuesday news release through its Twitter account.